



# **TOWN OF TRURO**

P.O. Box 2030, Truro, MA 02666

**Tel: (508) 487-2702 Fax: (508) 487-2762**

## **WARRANT FOR ANNUAL TOWN MEETING TRURO CENTRAL SCHOOL TUESDAY, APRIL 27, 2004 NOTE NEW TIME OF 7:00 PM**

Greetings:

In the name of the Commonwealth, you are hereby required to warn the inhabitants of the Town of Truro qualified to vote in town affairs, to meet at the Truro Central School on Tuesday, April 27, 2004 at 7:00 p.m., then and there to vote on the following articles:

### **ARTICLE 1. AUTHORIZATION TO HEAR THE REPORTS OF MULTI-MEMBER BODIES**

To see if the Town will vote to hear reports of any multi-member body, whose annual report was not published in the 2003 Annual Town Report, or take any other action relative thereto.

Customary Article

Board of Selectmen Recommendation: 4-0

**ARTICLE 2. AUTHORIZATION TO SET THE SALARY OF THE BOARD OF  
SELECTMEN**

To see if the Town will vote to determine and set the following as the salaries for the Board of Selectmen of the Town, who shall receive for Fiscal Year 2005:

Board of Selectmen 5 @ \$2,000       -       \$10,000.00

or take any other action relative thereto.

Customary Article Requested by the Finance Committee

Finance Committee Recommendation: 5-0

Board of Selectmen Recommendation: 4-0

Comment: The Finance Committee and Board of Selectmen agreed in Fiscal Year 2004 that the Finance Committee would conduct an annual review of the total compensation package recommended for the Board of Selectmen. Consequently, the Finance Committee will now propose this Article annually, and the Board of Selectmen will recommend the Moderator's salary by a second Article.

**ARTICLE 3. AUTHORIZATION TO SET THE SALARY OF THE  
MODERATOR**

To see if the Town will vote to determine and set the following as the salary for the Town Moderator, who shall receive for Fiscal Year 2005:

Moderator       -       \$1.00

or take any other action relative thereto.

Customary Article Requested by the Board of Selectmen

Finance Committee Recommendation: 5-0

Board of Selectmen Recommendation: 4-0

Comment: See Comment for Article 2.

**ARTICLE 4. AUTHORIZATION TO SET THE SALARY OF THE BOARD OF  
FIRE ENGINEERS**

To see if the Town will vote to raise and appropriate the sum of Two Hundred Fifty Dollars and No Cents (\$250.00) and determine and set the following as the salaries for the Board of Fire Engineers for the Town, who shall receive for Fiscal Year 2005:

Fire Engineers 5 @ \$200.00       -       \$1000.00

or take any other action relative thereto.

Requested by the Board of Board of Fire Engineers

Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 4-0

Comment: The Board of Fire Engineers is the only appointed Board that receives an annual salary, and because of the sensitivity of recommending annual salary changes for themselves, it was felt that it would be better if the salaries were reviewed and recommended annually by the Board of Selectmen, their appointing authority. This practice is similar to the reasoning for the Finance Committee recommending the salaries for the Board of Selectmen. The Board of Fire Engineers currently receives \$150.00 per year per engineer.

## **ARTICLE 5. FY 2005 OMNIBUS BUDGET APPROPRIATION**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Ten Million Nine Hundred Eighty-Three Thousand Four Hundred Thirty-One Dollars and No Cents (\$10,983,431.00) to defray the expenses and charges of the Town of Truro in Fiscal Year 2005, the period from July 1, 2004 through June 30, 2005, including the costs of public education, debt service, and interest payments; and to meet said appropriation by the following means: to raise through taxation the sum of Nine Million Nine Hundred Seventy-Five Thousand Four Hundred Seventy-Eight Dollars and Sixty-Eight Cents (\$9,975,478.68) ; to transfer One Hundred Sixty-One Thousand Dollars and No Cents (\$161,000.00) from Beach Receipts Reserved for Appropriation; Six Hundred Thirty-Six Thousand Dollars and No Cents (\$636,000.00) from Golf Course Receipts Reserved for Appropriation; Thirty Thousand Dollars and No Cents (\$30,000.00) from Pamet Harbor Receipts Reserved for Appropriation; Six Thousand Three Hundred Seven Dollars and No Cents (\$6,307.00) from Recreation Receipts Reserved for Appropriation; One Thousand Dollars and No Cents (\$1,000.00) from Conservation Commission Receipts Reserved for Appropriation; Thirty-One Thousand One Hundred Ninety-Eight Dollars and No Cents (\$31,198.00) from School Choice Tuition Receipts; One Hundred Forty-Three Dollars and Twenty Cents (\$143.20) from Public Law 874 funds; and One Hundred Fifteen Dollars and Sixty-Two Cents (\$115.62) from the County Dog Tax; and to appropriate Ten Thousand Four Hundred One Dollars and No Cents (\$10,401.00) from Betterment Receipts; and One Hundred Thirty-One Thousand Seven Hundred Eighty-Seven Dollars and Fifty Cents (\$131,787.50) from Cape Cod Land Bank Receipts; or take any other action relative thereto.

Requested by the Board of Selectmen  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 5-0

Comment: The proposed Fiscal Year 2005 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The Budget format contains the expenditure figures for Fiscal Years 2002 and 2003, appropriation figures for Fiscal Year 2004, and Requests for Fiscal Year 2005 from the respective Departments, and the Board of Selectmen's recommendations. As approved in FY2002, a new Budget Line Item #133, Operating Capital Account, is included to fund safety and high priority capital items. Also, as approved in FY2003, a new Budget Line Item #470-5850, Capital Preventative Building Maintenance Plan is included in the Public Works Department Public Building Maintenance Account, to fund a long-range public building preventative maintenance program on an annual basis. Further details on the capital needs of the Town can be found in the FY2005 Five-year Capital Improvement Plan, attached to this warrant.

**ARTICLE 6. FY2005 LAND BANK BUDGET APPROPRIATION**

To see if the Town will vote to transfer the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from the Land Bank Account, to appropriate this sum for the principal of and interest on indebtedness payable during Fiscal Year 2005, the period from July 1, 2004 through June 30, 2005, and for appraisals, title searches, surveys, testing, and other services preceding land acquisition, and to authorize these expenditures under the direction of the Board of Selectmen, the Open Space Committee, and the Town Administrator; or take any other action relative thereto.

Requested by the Board of Selectmen  
Open Space Committee Recommendation: 4-0-1  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 5-0

Comment: This separate Budget is necessary to properly appropriate and expend Land Bank funds, and it should be separate from the Omnibus Budget because of its separate funding, expenditure and accounting mechanisms. If the funds are not used during the fiscal year, the funds will revert to the Land Bank fund.

**ARTICLE 7. FY2005 AFFORDABLE HOUSING TRUST FUND BUDGET APPROPRIATION**

To see if the Town will vote to transfer the sum of Twenty-Nine Thousand Three Hundred Eighty-One Dollars and No Cents (\$29,381.00) from the Land Bank Account, to the Affordable Housing Trust Fund, to appropriate this sum for appraisals, title searches, testing, surveys, demolition, repairs, operating expenses, pre-acquisition services, and other affordable housing costs, and to authorize these expenditures under the direction of the Board of Selectmen, the Housing Authority, and the Town Administrator, or take any other action relative thereto.

Requested by the Board of Selectmen  
Truro Housing Authority Recommendation: 3-0  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 5-0

Comment: This separate Budget is necessary to properly appropriate and expend Land Bank funds transferred to the Affordable Housing Trust Fund, which was approved by Article 12 of the Annual Town Meeting of April 24, 2001; and approved by Special Legislation to the Great and General Court through Chapter 310 of the Acts of 2002 approved September 5, 2002; and approved by Town referendum conducted on May 13, 2003; and it should be separate from the Omnibus Budget because of its separate funding, expenditure and accounting mechanisms.

**ARTICLE 8. AMENDMENT TO PERSONNEL BYLAW AMENDING NON-UNION PERSONNEL CLASSIFICATION AND COMPENSATION SCHEDULE, COST-OF-LIVING ALLOWANCE INCREASE FOR FISCAL YEAR 2005**

To see if the town will vote to amend the Personnel Bylaw, Section 12.3, Classification and Compensation Schedule (Non-Union Personnel) by deleting the applicable personnel

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classification and compensation schedule, and inserting in its place the following schedule, to be effective on July 1, 2004: (Please see the Tables on pages 6 and 7)

said amendments having been incorporated in the FY2005 Omnibus Operating Budget in the COLA Undistributed - Reserved for Transfer Account, Budget Line Item #01-154-5700, or take any other action relative thereto.

Requested by the Town Administrator  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 4-0

Comment: Customary Article. The Board of Selectmen approved a 3% non-union personnel cost-of-living allowance, for FY2005 only, and which was incorporated in the FY2005 Omnibus Operating Budget, to parallel actual and anticipated Union increases for FY2005, and in order to simplify accounting procedures. This Article does **not** increase the operating budget, as presented in Article 5, and is solely to seek your approval of the FY2005 Non-Union Classification and Compensation Plan, and to amend the Personnel Bylaw.

**ARTICLE 9. AMENDMENT TO PERSONNEL BYLAW AMENDING NON-UNION  
PERSONNEL CLASSIFICATION AND COMPENSATION SCHEDULE, FIRE CHIEF  
ANNUAL SALARY INCREASE**

To see if the Town will vote to amend, effective on July 1, 2004, the Personnel Bylaw, Section 12.3, Classification and Compensation Schedule (Non-Union Personnel) by deleting the applicable personnel classification and compensation schedule, and inserting in its place the following:

**From:**

<u>Grade</u>	<u>Title</u>	<u>Annual Salary</u>
F-1	Fire Chief	\$21,282.00

**To:**

<u>Grade</u>	<u>Title</u>	<u>Annual Salary</u>
F-1	Fire Chief	\$30,000.00

And to meet said amendment, to transfer the sum of Eight Thousand Seven Hundred Eighteen Dollars and No Cents (\$8,718.00) to authorize an increase in the annual salary for the Fire Chief, from the FY05 COLA Undistributed – Reserved for Transfer Account, Budget Line Item #01-154-5700, to the FY05 Fire Department/Rescue and Emergency Medical Services – Salaries and Wages Account, Budget Line Item #01-220-5100, or take any other action relative thereto.

Requested by the Board of Fire Engineers  
Board of Fire Engineers Recommendation: 5-0  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 3-1

Comment: With the exception of annual COLA increases, the Fire Chief's salary was last adjusted 3 years ago. This is the continuing long-range plan to bring the Fire Chief's salary up to a reasonable level commensurate with his

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FROM: FY04

CLASSIFICATION & COMPENSATION SCHEDULE NON-UNION & NON-CONTRACTUAL

Grade	Job Title		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1	Beach Attendant	Hrly	\$8.78	\$9.08	\$9.41	\$9.71	\$10.03	\$10.35
	Election Teller	Hrly	\$8.78	Flat Rate				
2	Recreation Assistant Counselor	Hrly	\$9.74	\$10.05	\$10.35	\$10.65	\$10.98	\$11.31
3	Beach Sales Clerk	Hrly	\$10.09	\$10.44	\$10.94	\$11.35	\$11.77	\$12.23
	Recreation Counselor	Hrly	\$10.09	\$10.44	\$10.94	\$11.35	\$11.77	\$12.23
	Council on Aging Van Drivers	Hrly	\$10.09	\$10.44	\$10.94	\$11.35	\$11.77	\$12.23
4	Golf Assistant Greenskeeper(3 positions)	Hrly	\$10.26	\$10.99	\$11.71	\$12.50	\$13.40	\$14.33
	Golf Ranger/Starter (2 positions)	Hrly	\$10.26	\$10.99	\$11.71	\$12.50	\$13.40	\$14.33
	Golf Sales Clerk (3 positions)	Hrly	\$10.26	\$10.99	\$11.71	\$12.50	\$13.40	\$14.33
	Recreation Assistant Director	Hrly	\$10.26	\$10.99	\$11.71	\$12.50	\$13.40	\$14.33
5	Beach Assistant Supervisor	Hrly	\$11.29	\$12.02	\$12.76	\$13.49	\$14.22	\$15.00
	Beach Lifeguard	Hrly	\$11.29	\$12.02	\$12.76	\$13.49	\$14.22	\$15.00
	Golf Assistant Manager	Hrly	\$11.29	\$12.02	\$12.76	\$13.49	\$14.22	\$15.00
	Golf Greenskeeper	Hrly	\$11.29	\$12.02	\$12.76	\$13.49	\$14.22	\$15.00
	Library Assistant	Hrly	\$11.29	\$12.02	\$12.76	\$13.49	\$14.22	\$15.00
6	Beach Head Lifeguard	Hrly	\$11.61	\$12.34	\$13.07	\$13.81	\$14.54	\$15.31
7	Office Assistant 1 ( former bds & com sec.)	Hrly	\$13.65	\$14.13	\$14.61	\$15.09	\$15.57	\$16.05
8	Assistant Harbormaster(2 positions)	Hrly	\$13.86	\$14.33	\$14.79	\$15.24	\$15.70	\$16.18
9	Beach Supervisor	Hrly	\$14.09	\$14.80	\$15.51	\$16.22	\$16.92	\$17.64
	Recreation Director	Hrly	\$14.09	\$14.80	\$15.51	\$16.22	\$16.92	\$17.64
10	Harbormaster	Hrly	\$15.82	\$16.63	\$17.44	\$18.25	\$19.06	\$19.84
11	Greens Superintendent	Ann'l.	\$30,121.00	\$31,793.00	\$33,464.00	\$35,134.00	\$36,803.00	\$38,508.00
11	Adminis. Secretary/Licensing Agent	Ann'l.	\$35,103.00	\$37,068.00	\$39,032.00	\$40,997.00	\$42,961.00	\$44,926.00
12	Library Director	Ann'l.	\$31,395.00	\$33,345.00	\$35,297.00	\$37,247.00	\$39,197.00	\$41,166.00
14A	Golf Course Manager (fy02 stm 1/29/02)	Ann'l	\$31,162.00	\$32,979.00	\$34,913.00	\$36,946.00	\$39,198.00	\$41,564.00
	42 wks. Appr. By BOS 9-02		\$37,372.00	\$39,552.00	\$41,871.00	\$44,310.00	\$47,010.00	\$49,848.00
	FY04 w/ 3% COLA		\$38,493.00	\$40,739.00	\$43,127.00	\$45,639.00	\$48,420.00	\$51,343.00
17	DPW Director	Ann'l.	\$50,936.00	\$53,608.00	\$56,284.00	\$58,959.00	\$61,632.00	\$64,331.00
17	Assistant Town Administrator (ATM 4/30/02)	Ann'l.	\$50,936.00	\$53,608.00	\$56,284.00	\$58,959.00	\$61,632.00	\$64,331.00
P1	Animal Inspector	Ann'l.	\$661.00 flat rate					
P2	Parking Magistrate	Ann'l.	\$3,655.00					
P3	Plumbing/Gas Inspector	Ann'l.	\$7,878.00					
P3A	Deputy Plumbing/Gas Inspector	Per Insp.	\$16.00					
P4	Shellfish Warden	Ann'l.	\$6,270.00					
P5	Wiring Inspector	Ann'l.	\$7,878.00					
P5A	Deputy Wiring Inspector	Per Insp.	\$16.00					
P6	Dog Officer	Ann'l.	\$8,407.00					
F5	FF/First Responder	Hrly	\$12.36					
F15	FF/EMT/Basic	Hrly	\$16.48					
F18	FF/EMT/Intermediate	Hrly	\$17.51					
F19	FF/EMT/Paramedic	Hrly	\$18.54					
F20	Squad Member	Ann'l	\$1,000.00					
F1	Fire Chief	Ann'l	\$21,218.00					

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TO: FY05

## CLASSIFICATION & COMPENSATION SCHEDULE NON-UNION & NON-CONTRACTUAL

Grade	Job Title		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
1	Beach Attendant	Hrly	\$9.04	\$9.35	\$9.69	\$10.00	\$10.33	\$10.66
	Election Teller	Hrly	\$9.04					
2	Recreation Assistant Counselor	Hrly	\$10.03	\$10.35	\$10.66	\$10.97	\$11.31	\$11.65
3	Beach Sales Clerk	Hrly	\$10.39	\$10.75	\$11.27	\$11.69	\$12.12	\$12.60
	Recreation Counselor	Hrly	\$10.39	\$10.75	\$11.27	\$11.69	\$12.12	\$12.60
	Council on Aging Van Drivers	Hrly	\$10.39	\$10.75	\$11.27	\$11.69	\$12.12	\$12.60
4	Golf Assistant Greenskeeper(3 positions)	Hrly	\$10.57	\$11.32	\$12.06	\$12.88	\$13.80	\$14.76
	Golf Ranger/Starter (2 positions)	Hrly	\$10.57	\$11.32	\$12.06	\$12.88	\$13.80	\$14.76
	Golf Sales Clerk (3 positions)	Hrly	\$10.57	\$11.32	\$12.06	\$12.88	\$13.80	\$14.76
	Recreation Assistant Director	Hrly	\$10.57	\$11.32	\$12.06	\$12.88	\$13.80	\$14.76
5	Beach Assistant Supervisor	Hrly	\$11.63	\$12.38	\$13.14	\$13.89	\$14.65	\$15.45
	Beach Lifeguard	Hrly	\$11.63	\$12.38	\$13.14	\$13.89	\$14.65	\$15.45
	Golf Assistant Manager	Hrly	\$11.63	\$12.38	\$13.14	\$13.89	\$14.65	\$15.45
	Golf Greenskeeper	Hrly	\$11.63	\$12.38	\$13.14	\$13.89	\$14.65	\$15.45
	Library Assistant	Hrly	\$11.63	\$12.38	\$13.14	\$13.89	\$14.65	\$15.45
6	Beach Head Lifeguard	Hrly	\$11.96	\$12.71	\$13.46	\$14.22	\$14.98	\$15.77
7	Office Assistant 1 ( former bds & com sec.)	Hrly	\$14.06	\$14.55	\$15.05	\$15.54	\$16.04	\$16.53
8	Assistant Harbormaster(2 positions)	Hrly	\$14.28	\$14.76	\$15.23	\$15.70	\$16.17	\$16.67
9	Beach Supervisor	Hrly	\$14.51	\$15.24	\$15.98	\$16.71	\$17.43	\$18.17
	Recreation Director	Hrly	\$14.51	\$15.24	\$15.98	\$16.71	\$17.43	\$18.17
10	Harbormaster	Hrly	\$16.29	\$17.13	\$17.96	\$18.80	\$19.63	\$20.44
11	Greens Superintendent	Ann'l.	\$31,025.00	\$32,747.00	\$34,468.00	\$36,188.00	\$37,907.00	\$39,663.00
11	Adminis. Secretary/Licensing Agent	Ann'l.	\$36,156.00	\$38,180.00	\$40,203.00	\$42,227.00	\$44,250.00	\$46,274.00
12	Library Director	Ann'l.	\$32,337.00	\$34,345.00	\$36,356.00	\$38,364.00	\$40,373.00	\$42,401.00
14A	Golf Course Manager (stm FY03 42 wks)	Ann'l	\$39,648.00	\$41,961.00	\$44,421.00	\$47,008.00	\$49,873.00	\$52,883.00
15	Town Accountant	Ann'l	\$41,932.00	\$43,405.00	\$45,610.00	\$47,820.00	\$50,046.00	\$52,230.00
17	DPW Director	Ann'l.	\$52,464.00	\$55,216.00	\$57,973.00	\$60,728.00	\$63,481.00	\$66,261.00
17	Assistant Town Administrator (ATM 4/30/02)	Ann'l.	\$52,464.00	\$55,216.00	\$57,973.00	\$60,728.00	\$63,481.00	\$66,261.00
P1	Animal Inspector	Ann'l.	\$681.00					
P2	Parking Magistrate	Ann'l.	\$3,765.00					
P3	Plumbing/Gas Inspector	Ann'l.	\$8,114.00					
P3A	Deputy Plumbing/Gas Inspector	Per Ins.	\$16.48					
P4	Shellfish Warden	Ann'l.	\$6,458.00					
P5	Wiring Inspector	Ann'l.	\$8,114.00					
P5A	Deputy Wiring Inspector	Per Insp.	\$16.48					
P6	Dog Officer	Ann'l.	\$8,659.00					
F5	FF/First Responder	Hrly	\$12.73					
F15	FF/EMT/Basic	Hrly	\$16.97					
F18	FF/EMT/Intermediate	Hrly	\$18.04					
F19	FF/EMT/Paramedic	Hrly	\$19.10					
F20	Squad Member	Ann'l	\$1,030.00					
F1	Fire Chief	Ann'l	\$21,855.00					

responsibility to administer a highly professional Fire and Emergency Medical Service. The Chief continues to administer the Department, does all inspections and performs secretarial duties as required, in addition to emergency response duties. This Article does not increase the operating budget as presented in Article 5.

## **ARTICLE 10. NEW PART-TIME INFORMATION TECHNOLOGY DIRECTOR POSITION**

To see if the Town will vote to appropriate the sum of Thirty-Seven Thousand Two Hundred Forty-Eight Dollars and No Cents (\$37,248.00) to establish and fund a new part-time (20 hours per week) year round Information Technology Director position; and to meet said appropriation by a transfer of funds from the FY2005 Computer Operations – Purchase of Services Account, Budget Line Item #01-155-5200, to the FY05 Computer Operations – Salaries & Wages Account, Budget Line Item #01-155-5100; to authorize the Town Administrator to negotiate with the Truro Public Employee's Local Union of the Laborer's International Union of North America about a new provision in the Town Hall Supervisors and Department Heads Unit Recognition Clause and to add this new position to the Classification and Compensation Plan, commencing July 1, 2004, at the following pay scale:

<u>Grade 16A</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
<u>IT Director</u> (Hourly)	\$27.16	\$28.23	\$29.30	\$30.37	\$31.44	\$32.53
(Annual Salary)	\$28247.00	\$29360.00	\$30472.00	\$31585.00	\$32698.00	\$33832.00

or take any other action relative thereto.

Requested by the Board of Selectmen and the Town Administrator

Finance Committee Recommendation: 5-0

Board of Selectmen Recommendation: 3-0-1

Comment: The purpose of this Article is to eliminate a contracted service, that provides computer systems programming services, hardware and software technology, limited employee training, and Town IT budgeting; and to create a new in-house Information Technology Director position to incorporate all previously contracted services, and to direct all aspects of the Town's existing, and increasingly complex, technology operations including information systems, website, e-mail, geographic information systems, and all other related systems, and to provide in-house training and implementation. The position would initially be a part-time Department Head under the direction of the Town Administrator, and would be a LIUNA labor union position. The scope of the position is expected to gradually increase to incorporate all Town Departments, with the possible exception of the School Department. This Article does not increase the operating budget as presented in Article 5.

## **ARTICLE 11. MAINTENANCE OF TOWN CEMETERIES**

To see if the Town will vote to transfer the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) for the purpose of maintenance of Town cemeteries, from the Sale of Cemetery Lots Fund to the FY05 Town Cemeteries – Purchase of Services Account, Budget Line Item #01-491-5200, or take any other action relative thereto.

Requested by the Cemetery Commission

Cemetery Commission Recommendation: 3-0

Finance Committee Recommendation: 5-0



Board of Selectmen Recommendation: 4-0

Comment: These funds will be used to continue the maintenance of Town cemeteries. When a Town cemetery lot is sold, 50% of the proceeds go into the Sale of Cemetery Lots Fund, and 50% goes into perpetual care of said lot as principal. The only money that may be expended is the interest on that principal. However, due to the recent downturn in the rate of return on savings, the availability of sufficient interest funds is declining. There is not enough accrued or projected interest to maintain the Old North Cemetery for FY2005 and beyond, with Snow Cemetery not far behind. There are no capital cemetery projects in the foreseeable future that would require the expenditure of these funds. The Sale of Cemetery Lots Fund had a balance of \$30,325.00 as of July 1, 2003.

**ARTICLE 12. TRANSFER OF FUNDS FROM FREE CASH**

**SECTION 1. To Reduce or Stabilize the FY2004 Tax Rate**

To see if the Town will vote to transfer the sum of Four Hundred Sixty Thousand Dollars and No Cents (\$460,000.00) from free cash to reduce or stabilize the Tax Rate, or take any other action relative thereto.

Requested by the Board of Selectmen  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 5-0

Comment: Customary Article.

**SECTION 2. To the Stabilization Fund**

To see if the Town will vote to transfer a sum of money from free cash to the Stabilization Fund for the purpose of increasing the balance in the Stabilization Fund, or take any other action relative thereto.

Requested by the Board of Selectmen  
Finance Committee Recommendation: Under Advisement 5-0  
Board of Selectmen Recommendation: Under Advisement 4-0

Comment: The purpose of the Stabilization Fund is to set aside money either for unforeseen needs or for capital projects - a sort of "rainy day" fund for any lawful municipal purpose. Sound financial practice is to maintain a balance in this fund equal to **at least** 5% of the Operating Budget. The current balance in the Stabilization Fund is **\$712,913.01**.

**SECTION 3. To the Capital Improvement Fund**

To see if the Town will vote to transfer a sum of money from free cash to the Capital Improvement Fund for the purpose of increasing the balance in the Capital Improvement Fund, or take any other action relative thereto.

Requested by the Board of Selectmen  
Finance Committee Recommendation: Under Advisement 5-0  
Board of Selectmen Recommendation: Under Advisement 4-0

Comment: The purpose of the Capital Improvement Fund is to set aside money either for large cost capital purchases or for capital purchases that cannot be acquired with annual operating budget funds within the Operating Capital Account, Budget Line Item #01-133-5800. The current balance in the Capital Improvement Fund, prior to any action taken by Annual or Special Town Meeting, is \$185,000.00.

### **ARTICLE 13. AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID**

To see if the Town will vote to authorize the Town Treasurer, under the direction of the Board of Selectmen and under the authority of Massachusetts General Laws Chapter 44, Sections 6 and 6A, as amended, to borrow the sum of Eighty-Eight Thousand Three Hundred Sixteen Dollars and No Cents (\$88,316.00); to appropriate this sum for work on roads located on the state Primary System as approved by the Massachusetts Highway Department; to authorize, under the direction of the Board of Selectmen and the Town Administrator, the expenditure of these funds in anticipation of state reimbursement; and to accept any and all state highway assistance funds authorized by the legislature under the provisions of Chapter 40 of the Acts of 2003, and any other different or subsequent legislation and as approved by the Massachusetts Highway Department under the so-called Chapter 90 Highway Assistance Program, or to take any other action relative thereto.

Requested by the Town Administrator  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 4-0

Comment: Customary Article.

### **ARTICLE 14. HIGHLAND LINKS GOLF CART LEASE NEGOTIATIONS**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a five-year contract to provide gasoline powered golf carts for use at the Highland Links Golf Course, said contract to be in accordance with applicable MGL Chapter 30B requirements and on such terms and conditions as the Board of Selectmen deem appropriate to protect the interests of the Town, and further, said contract to commence on or about April 1, 2005, and to end December 31, 2010, and thereafter, to be renewable at the Town's option on a five-year basis, or take any other action relative thereto.

Requested by the Golf Course Manager  
Golf Course Advisory Commission Recommendation: 4-0  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 4-0

Comment: Normally, leases can only be negotiated for a term of three years, unless Town Meeting authorizes an extension. This Article will permit the Board of Selectmen to enter into a more favorable 5-year lease to obtain lower rates for the carts and increase revenue for the Town.

## **ARTICLE 15. HEALTH CARE COVERAGE FOR CALL FIREFIGHTERS**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 32B, Section 2, as amended, to approve call firefighters and call emergency personnel as “employees” for purposes of that statute, thereby permitting them, at their own expense, access to health care coverage under the Town’s group insurance policies, or take any other action relative thereto.

Requested by the Board of Fire Engineers  
Board of Fire Engineers Recommendation: 5-0  
Finance Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 4-0

Comment: A recently passed state law entitled "An Act Providing Relief and Flexibility to Municipal Officials" adds, as a local option, the addition of call firefighters and emergency personnel to be considered Town employees solely for the purpose of eligibility to participate in the Town's group health insurance plan – at no cost to the Town. Rules and Regulations controlling their eligibility will be promulgated by the Board of Selectmen, as outlined in MGL C. 32B, S. 14. Allowing the call personnel to access the Town's group health insurance programs provides another incentive for their continued commitment to training and call response. Not all people will take advantage of this opportunity or need the insurance coverage, but it will be available. It is also a way for the Town to acknowledge the benefit of an outstanding, dedicated and active call fire and rescue service.

## **ARTICLE 16. WATER CONSERVATION AND DROUGHT MANAGEMENT GENERAL BYLAW**

To see if the Town will vote to amend its General Bylaws by adding the following to the Miscellaneous Section of the General Bylaws:

### **WATER CONSERVATION AND DROUGHT MANAGEMENT**

**1. Stage I Normal Conditions – Voluntary Conservation:** The following practices are recommended to conserve water as a matter of practice:

- a. Lawns should be limited to the square footage of the footprint of the principle building or to a maximum of 2500 square feet.
- b. Irrigation of lawns should be severely limited as superior lawn grasses (e.g. fescues) go into dormancy in dry periods and quickly revive with resumption of normal precipitation.
- c. Lawns should be mowed no lower than 2 ½ inches because to do so requires supplemental irrigation.
- d. Irrigation of gardens should be by xeriscaping methodology; or by choice of drought-tolerant plants; or by placing a two-hour limit on early day or after sunset watering, up to two times a week.
- e. Drip irrigation is encouraged, especially for shrubs and trees.
- f. Summer mulching – using two to three-inch layers of mulch (wrack, straw, peat moss, compost, gravel, etc.) will retard water loss through evaporation.

**2. Stage II Drought Advisory:** A two-hour limit on early day or after sunset watering limited to one day per week. Irrigation by rotary or oscillating spray heads must be adjusted or replaced to prevent water loss by evaporation from paved impervious surfaces. The use of elevated large

drop spray heads will reduce water loss caused by misting, and is preferred.

**3. Stage III Drought Watch:** Outside water usage is limited to one day per week. Outside water use is restricted to hand-held hose for flower or vegetable garden watering only. No lawn watering, car washing or boat washing is permitted. Filling of existing indoor or outdoor swimming pools and non-circulating ornamental pools is prohibited. The use of automatic irrigation systems is prohibited.

**4. Stage IV Drought Warning:** All outside water use is prohibited.

**5. Stage IV Drought Emergency:** All outside water use is prohibited. Statewide regulations are to be observed.

Requested by the Water Resources Oversight Committee  
Water Resources Oversight Committee Recommendation: 5-0  
Board of Selectmen Recommendation: 3-2

Comment: It is felt that this water conservation General Bylaw is a vital step in preserving our most precious resource – water – on a Town-wide basis. It complements the Provincetown Water System Conservation General Bylaw approved by the Town by Article 18, of the Annual Town Meeting of April 13, 1999. Stages are announced by the State Department of Environmental Management (DEM).

## **ARTICLE 17. BEACH FIRE PERMITS GENERAL BYLAW**

To see if the Town will vote to amend its General Bylaws by adding the following to the Miscellaneous Section of the General Bylaws:

### **BEACH FIRE PERMITS**

There shall be no fires permitted on Truro Beaches without a permit. Permits will be issued by the Truro Fire Department on a daily basis and will be valid from 6:00 PM until midnight. Permits are valid for the requested beach only. If permission for a fire on private property is first obtained from the owner, persons eighteen years of age or older may, without a Town permit but subject to any applicable Cape Cod National Seashore regulation, set, maintain, or increase a reasonable fire for the purpose of cooking, upon sandy or gravelly land free from living or dead vegetation or upon sandy or rocky beaches bordering the tidewater, if the fire is enclosed within This General Bylaw will be enforced by the Truro Police Department.

Requested by the Beach Commission  
Beach Commission Recommendation: 5-0  
Board of Fire Engineers Recommendation: 0-5  
Board of Selectmen Recommendation: No Recommendation 4-0

Comment: Unregulated and non-permitted fires on the Town's beaches are increasingly becoming a safety hazard, for other individuals using the beaches and for our employees who must clean up afterwards. This new General Bylaw may help to alleviate the problem.

## **ARTICLE 18. REVISED ZONING BYLAW**

To see if the Town will vote to amend the Truro Zoning Bylaw by deleting the Truro Zoning Bylaw in its entirety, and substituting the following therefore in its entirety, with the exception of Appendix A (the Truro Zoning Districts Map and Water Resource Protection Districts), which will be included in the revised Zoning Bylaw as Appendix A, so that the new Truro Zoning Bylaw will therefor read as follows:

### **ZONING BYLAW**

#### **SECTION 10**

##### General Provisions

- § 10.1. Authority
- § 10.2. Purpose
- § 10.3. Applicability
- § 10.4. Definitions

#### **SECTION 20**

##### Establishment of Districts

- § 20.1. Districts enumerated
- § 20.2. Purposes of Districts
- § 20.3. Location of districts
- § 20.4. Boundaries of Districts
- § 20.5. Lots in Two Districts

#### **SECTION 30**

##### Use Regulations

- § 30.1 General Requirements
- § 30.2 Uses Enumerated
- § 30.3 Seashore District
- § 30.4 Water Resources Protection District
- § 30.5 Flood Plain District
- § 30.6 Affordable Rental Overlay District
- § 30.7 Nonconforming uses
- § 30.8 Special Permits
- § 30.9 Parking
- § 30.10 Signs

#### **SECTION 40**

## Special Regulations

- § 40.1 Duplex Houses and Apartments
- § 40.2 Affordable Housing Apartments
- § 40.3 Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel
- § 40.4 Windmills
- § 40.5 Communication Structures
- § 40.6 Growth Management

## **SECTION 50**

### Area and Height Regulations

- § 50.1 Regulations

## **SECTION 60**

### Administration

- § 60.1 Enforcement
- § 60.2 Board of Appeals
- § 60.3 Amendment
- § 60.4 Notice Requirement
- § 60.5 Recording Variances and Special Permits
- § 60.6 Appeals and Judicial Review

## **SECTION 70**

### Site Plan Review

- § 70.1 Site Plan Review

## **SECTION 80**

### Open Space Development

- § 80.1 Open Space Development

## **SECTION 90**

### Bounds of Zoning Districts

- § 90.1 General Business Districts
- § 90.2 Limited Business Districts

§ 90.3	Seashore District
§ 90.4	Residential District
§ 90.5	Overlay Districts

## SECTION 10

### General provisions

#### Authority

##### § 10.1.

This zoning bylaw is adopted in accordance with the provision of Chapter 40A of the Massachusetts General Laws.

#### Purpose

##### § 10.2.

The purpose of this bylaw is to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, enable the protection of clean and adequate water supply, conserve natural resources, prevent blight of the environment, encourage the most appropriate use of land in Truro, and to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.

#### Applicability

##### § 10.3.

- A. Noninterference. This bylaw shall not interfere or annul any bylaw, rule, regulation or permit, provided that unless specifically excepted or where a conflict exists within the bylaw itself, where this bylaw is more stringent, it shall control.
- B. Invalidity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

#### Definitions

##### § 10.4.

For the purpose of the bylaw, certain terms and words shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, Massachusetts General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Third New International Dictionary of the English Language, Unabridged.

Abandonment. The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building.

Affordable Households. Households earning no more than 80% of the current median income, as determined by the State Department of Housing and Community Development (DHCD).

Affordable Housing. Housing certified as affordable by the Truro Housing Authority and registered as such with the Truro Housing Authority. The Housing Authority will provide applicants with current affordable housing standards, require assurances of compliance in

writing, and provide copies to the Building Commissioner prior to the issuance of a building permit.

Alteration. Any construction, reconstruction or related action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure or any other related change.

Animal Husbandry. The raising of livestock, fur bearing animals, or fowl.

Applicant. Individuals, partnerships, corporations, trusts and other legal entities seeking building permits. For the purposes of this bylaw, the owner/equitable owner of the property is to be considered the applicant, not the builder, unless the builder is also the owner.

Attic. An area under a gable, hip, or gambrel roof, the rafter plates of which on at least two exterior walls are not more than three (3) feet above the floor of such area; except that any attic used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

Barn. An accessory building used exclusively for the storage of grain, hay, and other farm products, and/or the sheltering of livestock or farm equipment.

Base Flood Elevation. The 100 year flood elevation designated on the Truro Flood Insurance Rate Maps (FIRM).

Basement. An area which may have its full height above ground level on not more than one side, and which may have not more than one-half of its height above mean ground level on any other side. A basement shall not be counted as a story.

Bathroom Facility. A space which contains a wash basin and toilet, and which may also include a bathtub, a shower, or both.

Beach. Also known as "coastal beach" means unconsolidated sediment, subject to wave, tidal, and coastal storm action, that forms the variably sloping shore of a body of salt water. Coastal beaches extend from the mean low water line landward to the dune line, or coastal bank line, whichever is closest to the ocean, or to the seaward edge of existing man-made structures, when these structures replace one of the above lines.

Bed and Breakfast, Establishment. A private, owner-occupied house where four or more rooms are let or rented to the transient public and a breakfast is included in the occupancy charge. The only meal provided is breakfast, there shall be no cooking in rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to Section 30.9, Parking. This use is permitted only in General and Limited Business Districts.

Bed and Breakfast, Home. A private owner-occupied home where three or fewer rooms are let or rented to the transient public, and a breakfast is included in the occupancy charge. The only meal



provided is breakfast which may be served between the hours of 5 AM and 11:30 AM, there shall be no cooking in occupied rooms, and the occupied rooms shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to Section 30.9, Parking.

Boarding House, Home. A private owner-occupied home where three (3) or fewer rooms are let or rented to live-in boarders for stays of four months or more, and board is provided. There shall be no cooking in rented rooms, and rooms for rent shall be part of the primary residential structure. The land involved shall meet the current minimum lot area requirements. Parking shall conform to Section 30.9, Parking.

Bog, Marsh, Swamp, Wet Meadows. As defined in the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, as amended.

Build. The word build shall include the words “erect,” “construct,” “alter,” “enlarge,” “move,” and any others of like significance.

Building. The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include “structure” unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Building, Accessory. A building devoted exclusively to a use(s) ancillary to and in support of the principal use of the lot on which it is located.

Building Height. The vertical distance from mean ground level to the highest point of the coping of flat roof, or to the deck line of a mansard roof, or, subject to the limitation imposed elsewhere in this bylaw, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Casino-style Gambling. Gaming activities, including Indian casinos, riverboats, barges, “cruises to nowhere” and those other activities specifically authorized by the Great and General Court. This definition shall not include the promotion or playing of the game commonly called Bingo or like games, or the like promotion of “Las Vegas” nights, as authorized by law, or the sale of lottery tickets or shares by the State Lottery Commission, as authorized by law.

Cellar. An area having more than one-half of its height below ground level on all sides. A cellar shall not be counted as a story.

Communications Appurtenance. Any antenna, device, wiring or equipment utilized in connection with the reception or transmission of electromagnetic radiation (excluding the visible light spectrum) and which is attached to a pre-existing structure. A communication appurtenance shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Communications Building. Any building utilized primarily for the installation and operation of equipment for the generating and/or detection of electromagnetic radiation (excluding the visible light spectrum) and which is accessory to a communications structure.

Communications Structure. Any structure, tower or antenna that supports equipment (including antennas) for the transmission or reception of electromagnetic radiation (excluding the visible light spectrum). A communications structure shall not include an antenna utilized by a federally licensed amateur radio operator or a home television antenna or satellite dish.

Cooperative. Any real property owned by a corporation, association, society or company where, by virtue of membership in such association, society or company or, by virtue of the ownership of stock in such corporation, an organization becomes entitled to a lease or occupancy agreement for a specified unit or apartment owned by such corporation, association, society, or company.

Cottage or Cabin Colonies, or Motor Courts. A group of three or more detached dwellings under one ownership located on a single lot, which are customarily rented to the transient public by the day, week, month, or season. Each dwelling shall be limited to one and one-half stories in height.

Dune. Also known as coastal dune means any natural hill, mound or ridge of sand immediately landward of a coastal beach including such features when deposited by wind action or storm overwash. Coastal dune shall also mean sediment deposited by artificial means and serving the purpose of storm damage protection or flood control.

Dwelling, Single family. A separate dwelling unit consisting of one or more buildings designed for occupancy by one family only.

Dwelling, Two Family, Duplex. A detached building containing two dwelling units whether side by side, over each other or in any other combination.

Dwelling Unit. One or more rooms containing both cooking and bathroom facilities and designed for human habitation by one family independent of other facilities. Each accessory building or portion thereof, studio or guesthouse, which has both cooking and bathroom facilities, is considered to be a separate dwelling unit.

Educational Institution. A public, parochial, or private institution that provides educational instruction to students.

Established Roads. Roads as defined as street(s), with reference to the Town of Truro Subdivision Regulations.

Family. A single, non-profit housekeeping unit whether consisting of an individual, two or more persons related by blood, adoption or marriage, or maintaining a domestic partnership, or a group of persons who need not be so related and do not exceed five in number.

Fence. A barrier, solid or otherwise, which is used as a means of delineation, protection, confinement, or concealment.

Garage. A structure used primarily for storage of motor vehicles.

Grade, existing. The vertical elevation of the ground surface that exists prior to any excavating or filling as defined by the most recent USGS topographical maps, except in the case where, by Planning Board approval, excavating or filling has occurred in the construction of a road. In these cases, finished grades, according to the approved plan, shall be used.

Grade, finished. The vertical elevation of the ground surface as denoted on an approved Planning Board 'as-built' plan.

Ground Level. The finished level of the ground to be built upon.

Habitable Studio. A habitable studio shall consist of one or more bedrooms, with or without bathroom facilities, in a building detached from the principal residence, which is incidental and accessory to the principal residence and which does not include residential kitchen facilities. A room identified as a bedroom will be included in Title V considerations.

Home Occupation. Any business which has been by custom carried on by a resident of a dwelling unit with a limited number of nonresident employees, and which does not change the residential character of the building. Home occupations shall include carpenters, plumbers, electricians, and similar tradesmen; home and yard maintenance providers; sale of art produced on premises; the sale of fish or shellfish; electronic repairs and services, telecommuting, and internet-based services; nursery school; furniture repair, refinishing, and upholstering; dressmaking; home hand crafts; home cooking; bicycle repairs; real estate; insurance; the practice of any recognized profession, and any other activity of a similar nature which may be approved by the Board of Appeals. Home occupation shall not include the operation of a store or food service serving the passing public, or the display or sale to the passing public of goods not grown or manufactured on the premises, or in the case of fish or shellfish, not caught by the resident.

Hotel. A building consisting of a room, rooms, or units customarily rented to the transient public by the day, week, or month which room or rooms contain their own bathroom facilities. Such room or rooms may also provide kitchen area for the storage, preparation and cooking of food provided that the room, rooms, or unit's gross floor area exceeds four hundred (400) square feet. Those units having kitchens prior to this date shall not be prohibited from conversion under Section 40.3.

Lot. A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area. The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland

exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Lot Coverage. The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

Lot Frontage. The lot frontage shall be the distance along a straight line connecting the points of intersection of the side lot lines with the front lot line on a public, private or approved way.

Lot Line, Front. A line dividing a lot from a street or road right-of-way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot.

Lot, Nonconforming. A lot lawfully existing at the effective date of this bylaw or any subsequent amendments thereto, which is not in accordance with all provisions of this bylaw.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design of this bylaw.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision. A parcel of land (or contiguous parcels) divided into two or more manufactured home sites for rent or sale.

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides. In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides the measurement shall be taken from center of that side ten (10) feet out from the side of the building. Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%) (one foot of drop for every ten foot run).

Motel. One or more buildings consisting of furnished habitable units customarily licensed for occupancy by and rented to the transient public on a daily, weekly, monthly, or seasonal basis, containing two or more units under one roof, each unit having its own bathroom facilities and outside entrance.

Motel units shall consist of not more than one room exclusive of bathroom facilities and may also provide kitchen facilities for the storage, preparation and cooking of food provided that the unit's gross floor area exceeds four hundred (400) square feet. Two units may have a single connecting door that may be locked from either side.

Professional Offices. A building or rooms used as the place of business for any of the following professions: Accountants, Architects, Appraisers, Computer related services, Consultants, Contractors, Doctors, Dentists, Engineers, Insurance Agents, Lawyers, Real Estate Brokers, Surveyors and Travel Agents, and any other professions of a similar nature which may be approved by the Zoning Board of Appeals.

Public Accommodations. Cottage or cabin colonies, motor courts, motels, or hotels.

Religious Institution. A church or place of worship or religious assembly with related facilities.

Residential Kitchen Facility. Any room or part of a room used or intended to be used for food storage and preparation, but not including a bar, a pantry, or similar room adjacent to or connected with a kitchen. This definition shall not apply to commercial establishments that provide lodging to the transient public.

Retaining and Sustaining Walls. Retaining walls shall be distinguished from sustaining walls by the fact that they retain cuts made into the natural grade of earth while sustaining walls are to be considered as "structures" used to create artificially elevated grades above natural grade. sustaining walls erected for the specific purpose of raising maximum-permissible heights for any building are expressly prohibited.

Rotor. The blades plus the hub to which the blades of a windmill tower are attached.

Saltbox Roof. The minimal gabled-roof in which one side shall not be less than one-quarter (1/4) the length, nor less in pitch, of the major rake of the principal roof.

Shed. An accessory building or structure, no greater than nine feet in height, used primarily for agricultural, horticultural or storage purposes.

Street. A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms street, "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the requirements of the Town of Truro Subdivision Regulations, "Design Standards", (b), (c), & (d) as they existed on January 1, 1989. Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac. Town of Truro paved street(s) that: (1) have a minimum layout width of 20 feet, (2) were created prior to January 1, 1989 and (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, "Design Standards". These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of

accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.

Story. That portion of a building other than a basement, cellar, or attic included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Trailer Home or Mobile Home. A dwelling unit which at any time was a portable or mobile vehicle, or was designed to be portable and used for living purposes, whether standing on wheels or at a later date transferred to rigid supports.

Transient Public. Individuals who rent furnished public accommodations by the day, week, month, or season and whose principal residence remains elsewhere.

Truro Resident. A person who has lived in or worked in Truro for six (6) months prior to submitting an application for consideration under the Affordable Rental Housing Bylaw, or who has immediate family (specifically, mother, father, brother, sister, daughter, son, spouse or domestic partner) resident in the Town of Truro. This definition is for the sole purpose of establishing residency for unit distribution under the Affordable Rental Housing Bylaw.

Use. The purpose for which a structure or lot is arranged, designed or intended, or for which it may be used, occupied or maintained.

Use, Accessory. A use incidental and ancillary to the principal use of a structure or lot.

Use, Nonconforming. A use lawfully existing at the time of adoption of this bylaw, or any subsequent amendments thereto, which does not conform to one or more provisions of this bylaw.

Windmill. A device which converts wind energy to mechanical or electrical energy.

Working Studio. A working studio shall consist of a room(s), in a building detached from the principal residence, which is incidental and accessory to the principal residence whose use is primarily for work. A working studio may include a toilet and work-related sinks but shall not include a shower or bathtub or residential kitchen facilities or sleeping accommodations.

## **SECTION 20**

### **Establishment of Districts**

#### **Districts enumerated**

##### **§ 20.1.**

For the purposes of this bylaw, the Town of Truro is divided into Zoning Districts designated as follows:

Residential

Beach Point Limited Business

Route 6A, North Truro, Limited Business

Truro Center Limited Business

North Truro Center General Business

Route 6 General Business

Seashore

For the purposes of this bylaw, the following Overlay Districts are established:

Flood Plain

Water Resource Protection

Affordable Rental Housing

Purposes of Districts

§ 20.2.

Residential. Residential Districts are intended to provide appropriate space for housing and associated uses for the people of the town. They should provide safety, good access, and the opportunity to enjoy the peace and beauty of the property and the Town.

Beach Point Limited Business. The Beach Point Limited Business District is intended to enable, define, and control the traditional vacation cottages and other activities in this area, together with any conversions to condominiums.

Route 6A, North Truro, Limited Business. This bridge district is intended to provide space for professional offices in an otherwise residential district.

Truro Center Limited Business. The Truro Center district is intended to enable and foster the mix of retail businesses and restaurants together with single family homes historically characteristic of this village.

North Truro Center General Business. The North Truro Center district is intended to foster larger businesses as well as hotels and restaurants together with residences, while protecting the small-town flavor of this historic center.

Route 6 General Business. The Route 6 district is intended to enable, define, and control the establishment of larger businesses as well as residential housing, in this high-visibility part of Truro.

Seashore. The Seashore District is intended to further the preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open spaces for the education, recreation, and general welfare of the public.

Flood Plain. The purpose of the Flood Plain Overlay District is to provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

Water Resource Protection. The purpose of the Water Resource Protection Overlay District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.

Affordable Rental Housing. The purpose of this Affordable Rental Housing Overlay District is to allow for the development of clustered affordable rental housing units. The district will make it possible for families with low and moderate income to reside in Truro, encourage the protection of open space on large tracts of land, and preserve the wooded areas within the developed parcel.

#### Location of Districts

##### § 20.3.

The location and boundaries of the Zoning Districts and Overlay Districts are hereby established as shown on map entitled "Zoning District Map of the Town of Truro, Massachusetts," dated May 18, 1978 (*revise*) which accompanies the bylaw as Appendix A and is declared to be a part of this bylaw.

#### Establishment of District Boundaries

##### § 20.4.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning District Map, the following rules apply:

- A. Where a boundary is indicated as a street, railroad, water course or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, water course or other body of water it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning District Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning District Map.
- C. Where a boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the center line of a street, railroad, water course or other body of water and unless it is otherwise indicated, it shall be construed to intersect at right angles to the tangent to the curve at the point of intersection.

#### Lots in Two Districts

##### § 20.5.

When a District boundary line, at the time such line is adopted, divides any lot in one ownership and the distance between the boundary line and the lot line is more than 10 feet, a use that is permitted on the portion of a lot containing the required frontage may be extended into the other portion, provided a special permit is granted by the Board of Appeals.

## SECTION 30

### Use Regulations

#### General Requirements

##### § 30.1.

- A. There shall be no site preparation work done in connection with development of any use of land other than single family dwelling or single family dwelling with accessory apartment use and no such work in connection with development of any subdivision until all necessary



permits and approvals have been obtained. This section shall not prohibit site work reasonably necessary to the conduct of a land survey or any tests required as a condition precedent to the issuance of any permit or approval.

If after obtaining all necessary permits and approvals such work is commenced and later abandoned, any areas of the site which have been disturbed during construction shall be revegetated in a manner sufficient to prevent erosion. To secure revegetation in the case of abandonment of a project, the Building Commissioner, or in the case of a subdivision of land, the Planning Board, may require the owner to post a bond or other satisfactory security in an amount reasonably estimated as sufficient to perform the work, and to act fully thereon.

B. Trailer Homes. Not more than one trailer home may be kept on any parcel of land within the Town of Truro. No trailer home may be occupied while so located, nor shall land be leased for trailer homes. An exception to this rule may be made where, following fire or other natural catastrophic loss of property, the owner may utilize and/or reside in a trailer home on the affected property for a period not to exceed 12 months while the affected structure is rebuilt. Such trailer or mobile home shall be subject to the provisions of the state sanitary code.

Uses Enumerated

§ 30.2.

The following uses are permitted by district as indicated below, and consistent with the purposes for which the district was established. Uses not expressly permitted are deemed prohibited.

KEY

	Permitted
P	
SP	May be allowed by special permit granted by the Board of Appeals, or the Planning Board, where noted
N	Not Permitted
R	Residential
BP	Beach Point Limited Business
NT6A	Route 6A, North Truro Limited Business
TC	Truro Center Limited Business
NTC	North Truro Center General Business
Rt6	Route 6 General Business
S	Seashore

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
AGRICULTURAL							
Agricultural, horticultural, floricultural (1)	P	P	P	P	P	P	P

<b>PRINCIPAL USES</b>							
	<b>R</b>	<b>BP</b>	<b>NT6A</b>	<b>TC</b>	<b>NTC</b>	<b>Rt6</b>	<b>S</b>
Animal husbandry, parcels of 5 acres or less (2)	SP	SP	SP	N	SP	SP	SP
<b>COMMERCIAL</b>							
Automobile service, repair, storage, or sales	N	N	N	N	P	P	N
Barber shop	N	N	N	P	P	P	N
Business office	N	N	N	P	P	P	N
Commercial fishing activity (3, 12)	N	N	N	N	N	N	P
Professional office (4)	N	SP	SP	P	SP	SP	N
Restaurant	N	N	N	P	P	P	N
Retail or wholesale business service	N	N	N	N	P	P	N
Retail sales (5)	N	N	N	P	P	P	N
<b>INDUSTRIAL</b>							
Communication structure	N	N	N	N	N	SP (6)	N
Industrial or manufacturing use (7)	N	N	N	N	SP	SP	N
Marine installation	SP	SP	SP	N	SP	SP	N
Public utility	N	N	N	N	P	P	P
Research or experimental lab (8)	SP	SP	SP	N	SP	SP	N
Small engine repair	SP	SP	SP	N	SP	SP	N
Workshop for a trade, repair shop	N	N	N	P	P	P	N

<b>PRINCIPAL USES</b>							
	<b>R</b>	<b>BP</b>	<b>NT6A</b>	<b>TC</b>	<b>NTC</b>	<b>Rt6</b>	<b>S</b>
<b>INSTITUTIONAL</b>							
Educational institution	P	P	P	P	P	P	P
Hospital, nursing and/or convalescent home	P	P	P	N	P	P	N
Municipal use	P	P	P	N	P	P	N
Private club not conducted for profit	SP	SP	SP	N	SP	SP	N
National Seashore administration	N	N	N	N	N	N	P (12)
Religious institution	P	P	P	P	P	P	P
<b>RECREATIONAL</b>							
Children's camp	SP	SP	SP	N	SP	SP	N
Park, playground, non-commercial recreation	P	P	P	N	P	P	N
<b>RESIDENTIAL</b>							
Cottage or cabin colony, motor court	N	P	N	N	P	P	N
Duplex or apartment, new (9)	N	SP	SP	SP	SP	SP	N
Duplex or apartment, conversion of existing single family dwelling (9)	SP	SP	SP	SP	SP	SP	N
Hotel	N	N	N	N	P	P	N
Motel	N	P	N	N	P	P	N
Single family dwelling (10)	P	P	P	P	P	P	P (12)

<b>PRINCIPAL USES</b>							
	<b>R</b>	<b>BP</b>	<b>NT6A</b>	<b>TC</b>	<b>NTC</b>	<b>Rt6</b>	<b>S</b>
<b>ACCESSORY USES</b>							
Apartment, affordable housing (11)	SP	SP	SP	SP	SP	SP	N
Bed and breakfast, home; Boarding House, Home	P	P	P	N	P	P	P (12)
Home occupation, as defined	P	P	P	P	P	P	P (12)
Other home occupation	SP	SP	SP	N	SP	SP	N
Accessory use to a permitted main use on the same premises (13)	P	P	P	N	P	P	P (12)

#### NOTES

1. Parcels must be greater than 5 acres; for this purpose, the acreage requirement may be divided by a public way.
  2. Activity shall not be detrimental to a residential neighborhood.
  3. To include traditional fishing activities, opening of shellfish, storage and use of fishing equipment.
  4. No more than four (4) offices per lot; 20% lot coverage permitted, exclusive of parking; storage of equipment or materials where they are visible from neighboring properties or public or private ways is prohibited; the Board of Appeals shall find that the proposed use does not produce any injurious or offensive dirt, odor, fumes, gas, noise, or danger from explosion or fire.
  5. May include arts and crafts created on the premises.
  6. Includes buildings and appurtenances; Special Permit Granting Authority is the Planning Board.
  7. The Board of Appeals shall find that a proposed use is not injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
  8. The Board of Appeals may approve activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good; the proposed accessory use need not be located on the same parcel as the primary use.
  9. See special regulations in Section 40.1, Duplex Houses and Apartments.
  10. One tent for non-commercial use is allowed per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used.
  11. See special regulations in Section 40.2, Affordable Housing Apartments.
  12. See special regulations in Section 30.3, Seashore District.
  13. Accessory uses include, but are not limited to, barns, accessory buildings, garages, habitable and working studios, and sheds.
- Seashore District

#### § 30.3.

- A. Purpose. The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife, and open spaces for the education, recreation and general welfare of the public.

B. Signs. The use of signs shall comply with the regulations as defined in the Town of Truro Sign Code, excepting that a double-faced sign on residential property which pertains to the occupancy, sale, or rental of such property as herein authorized may be permitted. Such sign shall not exceed two square feet in area and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination; provided, that the above limitations shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore.

C. General regulations. Except as provided for above or in the use table, the following activities or uses are prohibited in the Seashore District:

1. Burning of cover unless determined by the Board of Fire Engineers to be necessary for the welfare and safety of the Town of Truro, and then such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.
2. Filling of land, dumping, or removal of soil, loam, sand, or gravel.
3. Cutting of timber except; a) by an owner for the purpose of reasonably controlling brush or trees; b) maintenance cutting in pastures; or c) cutting for clearance or maintenance on rights-of-way including those pertaining to public utilities or public highways.
4. Buildings or structures.
5. Commercial or industrial ventures or activities.
6. Drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.
7. Continuous storage of materials or equipment.

D. Variances or Exceptions. Applicants for variances or exceptions shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his/her authority to acquire, by condemnation, property which is made the subject of a variance or exception that in the Secretary's opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals of all applications or petitions made for variances or exceptions to the bylaws for the Seashore District and the Secretary shall be provided notice by the Planning Board of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. Subsequently, the Secretary shall be given notice by the appropriate board of any variance, or exception, or building permit, granted or denied for the area within the Seashore District.

Water Resource Protection District

§ 30.4.

A. Purpose. The purpose of the Water Resource Protection District is to protect public health by preventing the degradation of surface water and ground water utilized for public water supply.

B. Use Restrictions. The following uses are prohibited: junkyard, solid waste disposal, public sewage treatment facilities with on-site disposal of effluent unless tertiary treated, car washes, coin-op or commercial laundries, trucking or bus terminals, or airports. Subsurface hazardous chemical gasoline and oil storage in corrodible containers are prohibited.

C. Site Design Requirements

1. Runoff shall be directed toward vegetated swales or basins for surface infiltration.

Catch basins and piped storm sewers shall be used only where other methods are infeasible.

2. Where the premises are partially outside the Water Resource Protection District, site design shall maximize protection of groundwater through siting potential pollution sources such as on-site disposal systems outside of the District, to the extent feasible.

D. Exemptions. The Board of Appeals may grant a special permit to exempt a use from the requirements of this section, provided that the applicant demonstrates that the proposed use at that location cannot adversely affect any developed or planned public water supply. Applications for such a special permit shall be referred to the Conservation Commission, Planning Board, and Board of Health for their review and comment prior to the conclusion of the Board of Appeals' hearing on the proposal.

Flood Plain District

§ 30.5.

A. Purpose. To provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

B. Regulations. The following requirements apply in the Flood Plain District.

1. Within Zones A1-30 substantial improvement means all new construction, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the value or of the actual cost of repair work performed. It does not, however, include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

2. Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Commissioner shall determine the base flood elevation from the best available other federal, state, municipal or private studies, if any. All subdivision proposals greater than 5 acres shall include base flood elevation data. If the data is not available from either the FIRM or other studies, the minimum requirements of the State Building Code, Section 744.0 ("Design requirements for flood plain and high hazard areas") shall apply.

3. Manufactured homes. All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions specified in Section 69.3 (b) (8) of the Criteria for Land Management and Use of the National Flood Insurance Program (NFIP). All manufactured homes to be placed or substantially improved in Zones V, VE and VI-30 must meet the same standards as conventional housing (e.g. meet the provisions of Section 60.3 (e) (3), (4), (5) and (6) of NFIP criteria).
4. Where watertight floodproofing of a structure is permitted, a registered professional engineer or architect shall certify that the construction methods used are in accordance with accepted standards of practice for meeting the applicable provisions of Section 60.3 of the National Flood Insurance Program.
5. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zones V and VI-30). Since these areas are extremely hazardous due to high velocity water surges and hurricane wave wash, the following provisions shall apply:
  - a. All new construction shall be located landward of the reach of the mean high tide.
  - b. The use of fill for structural support is prohibited.
  - c. Man-made alteration of sand dunes, which in the opinion of the Building Commissioner may increase potential flood damage, is prohibited. The building of a structure on a dune may in itself constitute alteration if the dune's growth and development is inhibited or changed so as to decrease the dune's present and future value as a natural deterrent to, and protection from, water surges and wave wash.
  - d. All new construction and substantial improvements, as defined herein, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation or designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - e. A registered professional engineer or architect shall certify that the structure is



securely anchored in compliance with Section 30.5 B 4 herein, so as to withstand velocity waters and hurricane wave wash.

f. All new construction and substantial alterations shall have the space below the lowest floor free of obstruction, except for the pilings or columns, or be constructed with "breakaway walls" intended to collapse under stress. Such enclosed space shall not be designed or used for human habitation.

g. The Building Commissioner shall a) obtain the elevation above mean sea level of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structures contain a basement b) if the structure has been floodproofed, obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and c) maintain a record of all such information.

C. In the event it is the applicant's opinion that the land or structure in question is not, in fact, located within a special flood hazard area, or that any other data upon which the Building Commissioner is relying, is erroneous, the applicant shall furnish at his expense sufficient technical information to support his opinion.

#### Affordable Rental Housing Overlay District

#### § 30.6.

A. Purpose. The purpose of this Affordable Rental Housing Overlay District is to allow for the development of clustered affordable rental housing units. The district will make it possible for families with low and moderate income to reside in Truro, encourage the protection of open space on large tracts of land, and preserve the wooded areas within the developed parcel.

B. Requirements. No Affordable Rental Housing shall be constructed under this section of the bylaw unless the applicant first receives a special permit issued by the Board of Appeals and unless the development satisfies the following requirements:

1. Overlay: The Affordable Rental Housing Overlay District is superimposed over a portion of the Residential District established by the Town of Truro Zoning Bylaws and the provisions related to the Affordable Rental Housing Overlay District are in addition to all other provisions set forth in the Truro Zoning Bylaws. In a conflict between the underlying district and the Overlay District, the provisions in the Overlay District shall prevail.

2. Coverage. To qualify for inclusion in the Affordable Rental Housing Overlay District, the proposed buildings and pavement may not cover more than 25% of the area of the entire parcel.

3. Parking. Compliance with Section 30.9, Parking. Driveways shall have a minimum width of fourteen (14) feet, and shall be maintained free of vegetation to that width and to a height of fourteen (14) feet at all times. Driveways are to be permeable and shall be maintained with a level surface of at least four (4) inches of blue stone or T-base equivalent at all times.

4. Setbacks. Each residential building within the Affordable Rental Housing Overlay District shall be set back at least fifty (50) feet from the nearest existing established road and at least fifty (50) feet from any other residential building in the district. Non-

residential structures, such as maintenance sheds, shall be set back at least seventy-five (75) feet from the nearest existing established road and at least seventy-five (75) feet from the nearest residential structure within the district.

5. Density. To qualify for inclusion in the Affordable Rental Housing Overlay District, a proposed development may have no more than four buildings consisting of up to three units each. An applicant may request the Board of Appeals to grant a special permit which will allow no more than one additional unit per building.

C. Residency Requirement. Units within an Affordable Rental Housing Overlay District shall be made available only for year-round occupancy as prescribed in leases of one-year minimum duration.

D. Permitting. An Affordable Rental Housing Overlay District special permit shall be granted only if all of the proposed development has been designated as available to affordable households. To qualify for inclusion in the Affordable Rental Housing Overlay District, up to 70% of the residential units must be reserved for Truro residents.

E. Monitoring. The owner or manager of the buildings within an Affordable Rental Housing Overlay District shall provide the Truro Housing Authority annually, on or before April 1<sup>st</sup> of each year, a report naming all occupants, the yearly income of each household, rent per unit, maintenance schedule, and detailed listing of annual maintenance expenses.

#### Nonconforming Uses

#### § 30.7.

A. Continuance. So long as structures or uses were lawfully constructed or begun, and lots were created lawfully, such structures or uses may continue to be used in the same manner and for the same purposes despite contrary provisions of this bylaw. Lawful, pre-existing, nonconforming uses and structures may, when a variance would otherwise be required, be altered or extended with a special permit if the Board of Appeals finds that the alteration or extension will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure and that the alteration or extension will exist in harmony with the general purpose and intent of this bylaw.

B. Repairs, alterations. If the Building Commissioner determines and finds that the proposed repair, reconstruction, alteration, or structural change of a pre-existing, nonconforming, single-family or two-family residential structure will not be substantially more detrimental to its neighborhood than the existing nonconforming structure, and will not increase the nature or extent of the nonconformity, then the Building Commissioner may approve and issue a building permit for the proposed repair, reconstruction, alteration, or structural change.

C. Abandonment. Nonconforming uses or structures which have been abandoned for a period of 2 years or more shall not be re-established, and any future use shall conform to the then current bylaw.

#### § 30.8. Special Permits.

A. Construction or operation under a building or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving

- construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
- B. A special permit shall lapse after one year if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- C. Special permits may be approved only after a finding by the Board of Appeals or Planning Board (as applicable, see use table) that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this bylaw. The approval shall be subject to any other applicable provision of this bylaw and the Board may impose conditions, safeguards, and limitations on time and use, which in the Board's opinion are necessary to comply with the intent and purpose of this bylaw.
- D. The Board of Appeals or Planning Board (as applicable) shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of those rules in the office of the Town Clerk. Said rules shall describe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of the permits.
- E. Special permits may only be acted upon following public hearings conducted in accordance with the provisions of Massachusetts General Law, Chapter 40A or amendments thereto, within 65 days after filing with the Board the application for the permit. The Board shall act on the application for special permits within 90 days following the public hearing.
- Parking.

§ 30.9.

- A. Adequate off-street parking and loading requirements shall be provided for any building or use on land in the Town of Truro according to the following requirements.
1. Required off-street parking facilities shall be provided on the same lot as the principal use they are designed to serve.
  2. Parking shall be provided according to the schedule in the Table below based on the use or total square footage (as appropriate) of the finished structure or use, including any additions or expansions.
  3. Where one building houses more than one use, total parking provided shall meet the requirements for each use.
  4. Required parking spaces shall not be less than nine (9) feet in width by twenty (20) feet in length, exclusive of travel lanes and maneuvering space.
  5. Where the computation of required parking spaces results in a fractional number, only the fraction of one half (1/2) or more shall be counted as one (1).
- B. Table.

PRINCIPAL USE	PARKING REQUIREMENT
Single family dwelling	Two spaces
Duplex and Apartments	Two spaces per unit

Affordable Rental Housing	Two spaces per unit
Motels, cottage or cabin colonies, hotels, motor courts	Two spaces for owner or manager, plus 1.4 spaces for each rental unit, plus 1.5 spaces for each 20 sq ft of floor area available for meetings or functions
Permitted offices in a residence	Two spaces for residence, plus Three spaces for office, plus One space for each non-resident employee
Retail stores and services	One space for each one hundred fifty (150) sq ft of gross floor space.
Restaurants, clubs, theatres, and other places of assembly	One space for each four seats
Offices	One space for each one hundred fifty (150) sq ft of gross floor space.
Bed and Breakfast, Boarding Houses	Two spaces for residence, plus One space for each rental unit
Home occupation	Two spaces for residence, plus One space for each employee

Signs.

§30.10

The complete Sign Code for the Town of Truro, adopted February 20, 1967, and its subsequent amendments, is incorporated in this zoning bylaw.

**SECTION 40**

Special Regulations

Duplex Houses and Apartments

§ 40.1.

A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, the Board of Appeals may approve a special permit authorizing the new construction of duplex houses or the conversion of single family dwellings to apartments, consistent with the following conditions.

B. New Construction. lots of one acre or more are required for new construction; the duplex shall not exceed 3,000 sq ft; the requirements of paragraph D shall be met.

C. Conversion. Conversion of single family dwellings in any zoning district except the Seashore District and the Water Resource Protection District may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq ft.

- D. Requirements. All new construction or conversions shall comply with the following.
1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
  2. One unit shall be owner occupied.
  3. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.
  4. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
  5. Section 50, Area and Height regulations of this bylaw.
  6. The use is in harmony with the general purpose and intent of the bylaw.

Affordable Housing Apartments

§ 40.2.

- A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems obtaining adequate housing, the Board of Appeals may approve a special permit authorizing the new construction of, or conversion of existing single family dwellings to accommodate, accessory apartments, provided that the following provisions of this section are met.
- B. Applicability. Affordable housing apartments may be approved in all districts except the Seashore District, the Water Protection Districts, and the Pamet River Protection District as recognized and adopted by the Board of Health (*insert regulation and map references*).
- C. Area Requirements. The land involved shall meet current minimum lot area requirements; the affordable housing apartment shall not exceed 750 sq ft in floor area.
- D. General Requirements.
1. The apartment is essential to provide needed affordable housing as determined by the Truro Housing Authority.
  2. The apartment is compatible with and will not be detrimental to the neighborhood.
  3. Both the principal dwelling and the accessory apartment shall comply with applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health.
- E. Covenant. The Board of Appeals may grant a special permit on the condition that the current owner of the affordable housing apartment shall execute a deed restriction to be recorded at the Registry of Deeds covenanting with the Town of Truro that the following conditions are met:
1. One unit of the dwelling complex shall be owner-occupied.
  2. Unit(s) not occupied by the owner shall be rented at no more than the maximum rate determined to be affordable on a yearly review by the Truro Housing Authority. Such unit(s) shall be occupied by a renter who has registered with and been approved eligible for affordable housing on a yearly review by the Truro Housing Authority.

3. Rental of the unit(s) shall be available on a year-round basis only.

F. Revocation. Any violation of the covenants or conditions of this section, or where a deed restriction executed by the current owner of the property is not on record at the Registry of Deeds, shall be grounds for modification or revocation of the special permit.

Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel

§ 40.3.

A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to single family or multi-family use under any type of ownership, provided that the provisions of this section are met.

B. Requirements.

1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health.

2. Each converted unit shall comply with the parking requirements for single family dwellings as established in Section 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:

a. The two lots must be in and remain in common ownership and not be further divided.

b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.

c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.

d. All conditions must be recorded at the Barnstable Registry of Deeds.

3. The density of units permitted on a lot shall be one unit per 3,000 sq ft, or one unit per 2,100 sq ft in the Beach Point Limited Business District; however, notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw.

4. Units rented to the transient public must remain licensed as parts of a cottage colony, cabin colony, motor court, motel or hotel. Owners of the management unit shall be responsible for meeting all the licensing requirements of the Town of Truro.

C. Covenant. The owner of the premises shall execute a restrictive covenant with the Town of Truro to be recorded at the Registry of Deeds, covenanting that other than one management unit, no units shall be occupied or otherwise used during each calendar period commencing December 1 and ending March 31 of the following calendar year.

Windmills

§ 40.4.

- A. Windmills may be permitted by a special permit from the Board of Appeals. In addition to the requirements set forth in Section 30.8 of this bylaw, no special permit for a windmill shall be granted unless the Board of Appeals makes a finding that the windmill complies with the following:
1. The minimum setback distance for all windmills from any abuttor's property line shall be at least equal to the maximum height of the machine from grade plus twenty (20) feet. Setbacks will be measured to the center of the tower base.
  2. The maximum tower height shall be sixty (60) feet from grade to the center of the rotor.
  3. Climbing access to the windmill tower shall be limited either by a) the installation of a fence with locked gate around the tower base, or b) by limiting tower climbing apparatus to no lower than ten (10) feet from the ground. If a fence is used it shall be no lower than five (5) feet and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc. but excluding split rail.
  4. The diameter of a rotor shall not exceed thirty-five (35) feet. The minimum height of the rotor shall not be less than fifteen (15) feet from the ground as measured from the lowest point of the arc of the rotor.
  5. The windmill shall not generate excessive noise, cause interruption of television or radio station reception or otherwise constitute a public nuisance.
- B. A windmill will be considered abandoned if not operated for a period of two (2) years or if it is designated as a safety hazard or a public nuisance by the Building Commissioner. Once a windmill is designated as abandoned, the owner shall be required to immediately dismantle it.
- C. Before applying for a special permit under this Section, the applicant shall obtain the Building Commissioner's approval of the proposed windmill. The Building Commissioner shall approve the proposed windmill upon making the determination that it: a) will not constitute a safety hazard or a public nuisance, and b) complies with the State Building Code and other applicable law. The Building Commissioner's approval required herein shall be in addition to the building permit required by Section 60.1 of the bylaw.

Communication Structures, Buildings and Appurtenances

§ 40.5

- A. Purpose. The purpose of Section 40.5 of this bylaw is to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community; to establish guidelines, standards and procedures to regulate the permitting and installation of communication structures, buildings and appurtenances in order to:
1. Facilitate the provision of wireless telecommunications services to the residents and businesses of the town;
  2. Minimize adverse visual effects of towers through careful design and siting standards;

3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, and,
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

B. Requirements:

1. All building permits for a communications structure, building or appurtenance shall require a special permit from the Planning Board.
2. The minimum distance from the perimeter of the communications structure to any property line shall be the height of the structure including any antennas or appurtenances, plus ten (10) feet. The minimum distance from any guy wire, anchor or brace to any property line shall be the length of the guy wire or brace plus ten (10) feet. The setbacks for a communications building shall comply with the setback requirements of the zoning district.
3. The communications structure, building or appurtenance shall be installed, maintained and operated in accordance with all applicable federal, state, county and local codes, standards and regulations and shall be designed to withstand sustained winds and gusts of a category 5 hurricane. If Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) regulations are changed, then the owner or operator shall bring the structure, building and appurtenances into compliance with the new regulations within six (6) months of the effective date of such regulations or earlier if a more stringent compliance schedule is included in the regulation. Failure to comply with any new regulations shall be grounds for the removal of non-complying structures, buildings and appurtenances at the owner's expense.
4. The height of the communications structure (tower) shall be no greater than one hundred and fifty (150 feet) above ground level.
5. Communication antennas shall be located on pre-existing structures unless the applicant demonstrates that there are no feasible pre-existing structures. The installation shall preserve the character of such pre-existing structures.
6. If the applicant has demonstrated that there are no feasible pre-existing structures to support antennas and appurtenances for the intended use, then any communications structure, building or appurtenance may be sited on public land.
7. To the extent lawful and feasible, all service providers shall co-locate on a single tower. Towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practicable. The applicant is required to document all co-location tenants and provide a tower design indicating types and location of all facilities.
8. New facilities or structures shall be considered only upon a finding by the Planning Board that existing or approved facilities or structures cannot accommodate the wireless communications equipment planned for the proposed tower.



9. The installation of a communications structure, building or appurtenance shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional vegetative screening shall be employed where practical and particularly to screen abutting residential property whether developed or not. A detailed landscape plan will be required with the application.
10. Location and siting of facilities and structures shall be consistent with any regional location and siting criteria established by the Cape Cod Commission.
11. Under normal operating conditions, noise emanating from the communications structure, building or appurtenance shall not be greater at the boundary of the lot on which it is sited than would otherwise exist in the absence of these facilities.
12. No hazardous waste shall be discharged on the site. Any storage of fuel shall be in compliance with the Board of Health regulations. Documentation shall be provided for the contents of all communications buildings and/or cabinets.
13. All run-off of storm water from communications structures, buildings, and appurtenances, driveways and parking areas shall be contained on site; the amount of impervious surface on the site shall be minimized.
14. Lighting, when required and permitted by the FAA or the Planning Board, shall be directed inward so as not to project onto surrounding properties.
15. All structures, buildings or appurtenances must be secured to control access. Fencing materials shall be consistent with the character of abutting properties, with a locked gate and proper warning signals. A sign must be displayed indicating the name of the owner(s) and a 24 hour contact number. Only signs limited to safety will be allowed. Fencing is not required for antennas or other appurtenances mounted on a pre-existing structure.
16. As a condition of approval of the application the applicant shall agree, by execution of a covenant, to remove within six months any communications structure and building which has not operated for four consecutive months unless the cause is major damage which prohibits operation. In the event that major damage has rendered the facility inoperative, repair or removal of the facility shall begin within six months and be completed within an additional six months. Failure to comply with the conditions of the covenant shall be grounds for the removal of structures, buildings and appurtenances. Complete restoration of the site shall be at the owner(s) expense, secured by a bond from a recognized financial institution. The covenant shall include, also at the owner(s) expense, provision for liability insurance for any damage to any abutting property whether developed or not.
17. At least forty-five (45) days before submitting an application for a special permit for the installation of a communications structure, building or appurtenance the applicant shall consult with the Planning Board. The purpose of the consultation is to facilitate the permitting process by the exchange of information between the applicant and the Planning Board, and for the applicant to obtain a detailed description of the information

and documentation required, in writing, by the Planning Board, in order to clarify and resolve concerns of the Board and minimize potential problems with the application.

18. The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of an application and shall issue a decision within ninety (90) days following the date of the public hearing.

19. The applicant shall submit the following written information to the Planning Board:

- a. A survey of all sites for the installation of communications structures, buildings or appurtenances which are feasible for providing the intended services. The survey shall include a rationale for the selection of a prime and at least one alternative site. All sites in Truro shall be located on the appropriate sheet(s) of the Truro Assessor's Atlas;
- b. A survey of all pre-existing structures which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure cannot be used by the applicant;
- c. The radiation pattern of all proposed antennas showing the frequency and intensity of radiation at ground level and at 30 feet above ground level. At the expense of the applicant, Electro Magnetic Field (EMF) readings shall be provided to the Board of Health yearly and immediately after any addition to the facility;
- d. The sound level in decibels at ground level, at 30 feet above ground level and at the top of the facility and 10, 50, 100 and 500 feet from the communications structure, building or appurtenances for wind velocities between calm and 100 miles per hour with all equipment operating at normal levels, including before condition measured, after condition prediction and cumulative condition (with co-location) prediction;
- e. A delineation of the Assessor's Atlas of all areas in Truro which will not be served by the proposed installation for the prime and an alternative site;
- f. A statement of the services to be supported by the proposed communications structure, building or appurtenance;
- g. Plans of special design features and materials, including landscaping, to minimize the visual impact of proposed communications structures, buildings and appurtenances. Site plans, elevations and fall zone should be included;
- h. A certification that the applicant has complied with all federal (including FAA), state and regional requirements to provide the proposed service and demonstration of compliance with the FCC guidelines for EMF's under National Environmental Policy Act (NEPA), including copies of the FCC Form 600, plus Environmental Assessment/Environmental Impact Statements as applicable;
- i. Within thirty (30) days after the application filing, the applicant shall arrange to fly a three-foot-diameter balloon at the primary and an alternate site at the maximum height of the proposed installation. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days before the flights, in a newspaper with a general circulation in Truro. Photos shall be provided from all

- strategic viewing points, per agreement with the Planning Board prior to flight.
20. If a communications structure, building or appurtenance is to be installed on a pre-existing private structure or on land or a structure owned, prior to the effective date of the bylaw, by the Commonwealth of Massachusetts, or on land or a structure owned by the Town of Truro, the applicant shall submit the following written information to the Planning Board:
- a. A draft contract, including requirements for removal of all structures and for complete site restoration in the case of discontinued use, between the applicant and the owner (if different from the applicant).
  - b. A description of the proposed facility at the proposed prime and alternate sites including:
    - i. Height of the facility and its associated equipment and antennas;
    - ii. Access roads and power supplies;
    - iii. Type, size and number of transmitters.
    - iv. A list of all fuels to be used on the site and a detailed description of how each shall be contained.
  - c. A site plan (scale not less than 1 inch=40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment; and
  - d. A landscape plan showing the proposed site before and after development, including topography and screening proposed to protect abutters.
21. For all applications other than those set forth in Section 4.5 B 20 above, the applicant shall submit the following written information to the Planning Board:
- a. A statement of the purpose for which the application is made.
  - b. The exact legal name of each person seeking a special permit and the address and telephone number or principal place of business of each such person.
  - c. The name, title, address and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;
  - d. A statement of the need for the proposed facility with as much specific information as is practicable to demonstrate the need, including description of the proposed system and how the proposed facility would eliminate or alleviate any existing deficiency or limitation, including all co-location facilities;
  - e. A statement of the benefits expected from the proposed facility with as much information as is practicable;

- f. A description of the proposed facility at the proposed prime and alternate sites including:
  - i. Height of the facility and its associated equipment and antennas;
  - ii. Access roads and power supplies;
  - iii. Special design features and materials, including landscape plans;
  - iv. Type, size and number of transmitters and receivers, as well as the signal frequency, power output, and power density at the tower base, site boundary, and building where people might be exposed to the maximum power densities from the facility;
  - v. A map showing any fixed facilities with which the proposed facility would interact;
  - vi. The coverage signal strength, and integration of the proposed facility with any adjacent fixed facility, to be accompanied by a network plan showing interfaces with any adjacent service areas;
  - vii. A forecast of when maximum capability would be reached for the proposed facility and for facilities that would be integrated with the proposed facility;
  - viii. Documentation of contents of communications buildings and/or cabinets.
- g. A description of the proposed prime and alternative site, including:
  - i. The most recent U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the site of the facility and any significant changes within a one-mile-radius of the site;
  - ii. A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located, showing the acreage and dimensions of such site, the name and location of adjacent public and private roads or the nearest public road, and the names of abutting owners and portions of their lands abutting the site;
  - iii. A site plan (scale not less than 1 inch = 40 feet), showing the proposed facility, fall zones, existing and proposed contour elevations, 100-year flood zones, water resources, Zones of Contribution, waterways, wetlands and all associated equipment and structures on the site, including elevations of all equipment and structures with sufficient detail to delineate the external finish of all structures and equipment;
  - iv. Where relevant, a terrain profile showing the proposed facility and access road and existing and proposed grades; and
  - v. The most recent aerial photograph (scale not less than 1 inch = 1,000 feet) showing the proposed site, access roads and all abutting properties.
- h. A statement explaining mitigation measures for the proposed facility including:
  - i. Construction techniques designed specifically to minimize adverse effects on

- natural areas and sensitive areas;
- ii. Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas;
- iii. Establishment of vegetation proposed near residential, recreation, and scenic areas;
- iv. Special design features made specifically so that the proposed structures, buildings and appurtenances shall blend with pre-existing structures and buildings; and,
- v. Methods for preservation of vegetation for wildlife habitat and screening;
- vi. A list of all fuels to be used on the site and a detailed description of how each shall be contained.
- vii. A statement describing any hazardous materials or wastes (including quantities) to be used or generated on the site.
- i. A description of the existing and planned land uses of the proposed prime and alternative sites and surrounding areas;
- j. A description of the scenic, natural, historic, and recreational characteristics of the proposed prime and alternative sites and surrounding areas;
- k. Sight-line graphs to the proposed prime and alternative sites from visually impacted areas (a site from which the facility can be seen) such as residential developments, recreational areas, and historic sites;
- l. A list describing the type and height of all existing and proposed communication structures, buildings and appurtenances within a ten-mile radius within the search area, or within any other area from which use of the proposed prime or alternative structure might be feasible from a location standpoint for purposes of the application;
- m. A description of efforts to share existing and proposed structures, or consolidate telecommunications antennas of public and private services onto the proposed facility;
- n. A description of the technical alternatives and a statement containing justification for the proposed facility;
- o. A description of rejected sites with a U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the location of rejected sites;
- p. A detailed description and justification for the site selected, including a description of siting criteria and the process by which other possible sites were considered and eliminated including but not limited to, environmental effects, cost differential, coverages lost or gained, potential interference with other facilities, and signal loss due to topographical features compared to the proposed prime and alternate sites;
- q. A statement describing hazards to human health, if any, with supporting data and

- references to regulatory standards;
  - r. A statement of the estimated costs for site acquisition and construction of a facility at the prime and alternative sites;
  - s. A schedule showing the proposed program of site acquisition, construction, completion, operation and relocation or removal of the existing facilities for the prime and alternative sites;
  - t. A copy of any filing or application that the applicant has been required to make together with any decision with regard to such filing or application;
  - u. A landscape plan showing the proposed site and location before and after development, including topography screening proposed to protect abutters;
  - v. Plans which show location and siting at a prime and at an alternate site; and
  - w. A technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.
21. All written information submitted in accordance with the requirements listed in any previous section of this bylaw shall be certified by an appropriate licensed professional.
22. The Planning Board may also refer applications to the Board of Health, the Zoning Board of Appeals, and the Conservation Commission for review.
23. The Planning Board shall not approve any application that does not comply with all the requirements of this bylaw. The Board does, however, have the right to waive any part of this bylaw, when in its opinion, such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this bylaw.
24. Any permit issued by the Planning Board for a communications facility shall be valid for the applicant only; it may not be reassigned, leased or sold.
25. Municipal and private, non-commercial uses are exempted from this bylaw.
26. The Planning Board shall act in accordance with the standards and requirements set forth herein and in accordance with the Massachusetts General Laws.
27. The invalidity of any section of this bylaw shall not invalidate any other section.

#### Growth Management

##### § 40.6.

- A. Purpose. The purpose of Section 40.6 of the bylaw is to control the pace of the Town's growth so that build-out will be gradual. This will provide: 1) an opportunity to purchase and protect open spaces, thereby reducing the Town's ultimate density and preserving, as much as possible, the Town's rural character; 2) the time for the Town to adequately study, assess, and possibly regulate the impact of continued development on the Town's existing roads and water quality; and 3) protection for the Town from a sharp acceleration of population growth that could suddenly overwhelm our current public services.
- B. Residential Development Limitation.

1. There shall be no more than forty (40) building permits for new single family dwelling units authorized within any calendar year, beginning January 1 and ending December 31. Permits not issued within the calendar year may be carried over and added to the next calendar year's quantity. This bylaw is to become effective beginning with the calendar year 2004.

2. The Building Commissioner shall issue building permits in accordance with the following:

a. For the purposes of this section, an application shall be accepted for review only if it conforms to all applicable building and zoning requirements, and has received all necessary approvals from pertinent Town boards, including the Board of Health, Planning Board, Board of Appeals, Conservation Commission, and so forth.

b. Applications for building permits for single family dwelling units certified complete by the Building Commissioner shall be dated and time-stamped upon determination of completeness. Building permits shall be issued on a first-come/first-served basis.

c. Within any calendar month, no more than six (6) permits for single family dwelling units may be issued. Permits not issued during one month may be carried forward and issued the next month, assuming it is within the same calendar year.

d. No applicant may have more than one (1) application processed for a single family dwelling unit in any given month.

e. No more than four (4) building permits for single family dwelling units shall be issued to any one applicant within a single calendar year unless 1) there are available permits within the yearly limit and 2) no other applicant has applied for them before the fifteenth day of December.

C. Exemptions.

1. Construction of affordable housing units, provided such housing units have deed restrictions to ensure they remain affordable for the maximum period permitted under Massachusetts law. Occupancy permits for such affordable units are not to be issued until the restricted deed has been recorded or registered.

2. A presently existing structure which is otherwise subject to this bylaw but which is destroyed by fire or other calamity. Such a structure may be rebuilt outside of these limitations so long as: 1) the structure is not expanded beyond one additional bedroom; 2) it complies with all other provisions of these bylaws; and 3) so long as application for a building permit is submitted within two (2) years of the destruction.

3. A presently existing structure which, following demolition, is being rebuilt to no more than one hundred twenty-five percent (125%) of its current footprint. Such a structure may be rebuilt so long as: 1) the structure is not expanded beyond one additional bedroom; 2) it complies with all other provisions of these bylaws; and 3) the application for a building permit is submitted within two (2) years of the existing structure's demolition.

## SECTION 50

### Area and Height Regulations

#### Regulations

#### § 50.1.

#### A. Table

<b>DIMENSIONAL REQUIREMENT</b>	<b>ALL DISTRICTS</b>
Minimum lot size	33,750 sq ft (1)(2)
Minimum lot frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (4)
Maximum building height	2 stories, and/or 23 ft (5)(6)(7)
Minimum backyard setback	25 ft (4)

#### NOTES

1. Except buildings for accessory use and cottage colonies.
  2. Except lots or parcels lawfully in existence prior to February 1960, and so recorded in the Registry of Deeds, and having at least five thousand (5,000) sq ft of area and at least fifty (50) ft of lot frontage.
  3. Except in the Seashore District where the minimum frontyard setback is 50 ft.
  4. Except in those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, minimum sideyard and backyard setbacks shall be equivalent to five (5) ft per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.
  5. Except buildings with gable, hip, or gambrel roofs shall not exceed thirty (30) ft in height as measured to the highest point of the roof.
  6. Flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.
  7. Windmills shall not exceed sixty (60) ft above mean ground level.
- B. Exceptions to height limitations may be authorized by Board of Appeals by special permit.
- C. Notwithstanding the provisions of this section, the Board of Appeals may grant a special permit for proposed changes in building or roof height to buildings not exceeding 30 ft in height and in existence thus prior to April 1, 1986.
- D. Units in cottage colonies or motor courts shall be a minimum thirty (30) ft apart.
- E. In those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, buildings on the same lot shall comply with the following minimum separations:



<b>BUILDING CONFIGURATION</b>	<b>SEPARATION</b>
Two 1-story buildings	10 ft
One 1- story buildings and one 1.5- story buildings	12.5 ft
Two 1.5-story buildings	15 ft
Two 2- story buildings	20 ft

F. The Building Commissioner may require the filing of a certified site plan prepared by a land surveyor registered with the Commonwealth of Massachusetts, showing the location of all structures and top of foundation elevation, and structures' respective distances from all lot lines.

G. Public accommodations and new units of existing public accommodations constructed after April 1988 shall not exceed a ratio of one (1) unit per three thousand (3,000) sq ft of lot area, except that in the Beach Point Limited Business District the ratio shall not exceed one (1) unit per twenty-one hundred (2,100) sq ft.

H. Public accommodations shall not exceed two (2) habitable stories.

## **SECTION 60**

### **Administration**

#### **§ 60.1. Enforcement.**

A. This bylaw shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises.

B. Violations and Penalties. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.

C. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or any other designated enforcing officer of this bylaw. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives.

The enforcement officer who takes cognizance of a violation of the bylaw subject to this noncriminal disposition process and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement, shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours, but not later than twenty-one (21) days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

For the purposes of noncriminal disposition, any violation of the zoning bylaw shall be subject to a \$25 fine.

D. If the Building Commissioner is requested in writing to enforce this bylaw against any person allegedly in violation of it, and the Building Commissioner declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.

Board of Appeals. A Board of Appeals consisting of five members and two associated § 60.2. members shall have the power conferred on it under Massachusetts General Laws, Chapter 40A, Section 14, and any amendments thereto. Such powers shall include the consideration and decision of: appeals in accordance with MGL, Chapter 40A, Section 8; applications for special permits upon which the board is empowered to act; and, petitions for variances from any provision of the bylaw, except use variances, consistent with the requirements of MGL, Chapter 40A, Section 10.

Amendment. This bylaw may be amended from time to time at an annual or special § 60.3. Town Meeting in accordance with the provisions of MGL, Chapter 40A, Section 5, and any amendments thereto.

Notice requirements. In all cases where notice of a public hearing is required by MGL, § 60.4. Chapter 40A, and amendments thereto, or by this bylaw, notice shall be in accordance with the provisions of MGL, Chapter 40A, Section 11.

Recording Variances and Special Permits. No variance or special permit, or any § 60.5. extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk demonstrates that 20 days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, and is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

Appeals and Judicial Review.  
§ 60.6.

A. Appeal of Administrative Actions.

1. Any person aggrieved by reason of his inability to obtain a permit or an enforcement action from the Building Commissioner or other administrative official, whether or not such person was previously a party to the proceeding, may appeal to the Board of Appeals.
2. Any person, including an officer or a board of the Town of Truro, or of an abutting town, aggrieved by an order of decision of the Building Commissioner or other administrative official, in violation of MGL, Chapter 40A, and amendments thereto, and this bylaw, may appeal to the Board of Appeals.

B. Procedure. Any appeal under this section shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk. The Clerk shall immediately transmit copies of the appeal to the officer or board whose order or decision is being appealed. The appeal shall be conducted in accordance with the provisions of MGL, Chapter 40A, Section 15, and amendments thereto.

C. Appeals of actions by Board of Appeals. Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, may appeal to the Superior Court or to the Land Court, in accordance with MGL, Chapter 40A, Section 17, and amendments thereto, by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such 20 days. The form, contents and filing of the complaint shall be as prescribed by MGL, Chapter 40A, Section 17, and amendments thereto.

## SECTION 70

### Site Plan Review

#### Site Plan Review

##### § 70.1

A. For the purposes of 1) assuring that the Community and the appropriate Boards have adequate information to enable a clear evaluation of a project's impacts on the Community and assure that they will not be detrimental, and 2) assuring that the Community, applicant and abutters will know the final form of the project, thus avoiding uncertainty or misunderstanding as to its final outcome, a Site Plan Review shall be required for:

1. All residential developments having 25 or more buildable lots, where the area to be sub-divided is equal to or greater than an average of one acre for each buildable lot, or
2. There are ten or more buildable lots, where the total number of acres of upland to be divided average less than one acre per lot.
3. New commercial or industrial developments, expansions or modifications to existing properties which:
  - a. Exceed 5,000 square feet of gross floor area, or
  - b. Generate a traffic count of over 250 average daily trips, or
  - c. Require over 20 parking places
4. Those other projects specifically requiring site plan approval or review as stated in sections of the zoning by-law.

B. No building or special permit shall be issued for projects described in the foregoing sections unless a site plan has been endorsed by the Planning Board. The Board's endorsement shall mean that all aspects of this bylaw have been reviewed by the Board, unless specifically waived by the Board, and comments thereon have been given to the applicant. Endorsement does not constitute approval.

C. Application.

1. Before submitting a formal application, the applicant may save expense and contention by presenting a preliminary sketch plan to the Board for its comments. The sketch should include proposed street layouts, traffic patterns and volume, location of buildings and their wells and septic systems, and other features that may assist the Board in understanding the proposal. The Board may, at this time, waive the need for detailed submission of those items in the formal plan on which it deems further information is not needed in order to reach a decision.
2. No binding commitments, other than the above mentioned waivers, shall be made at this time.
3. Contents of the formal plan shall be prepared by a registered architect, landscape architect, professional engineer or registered land surveyor and shall include:
  - a. Location and boundaries of the property and adjacent streets and ways
  - b. Existing and proposed topography, including contours, location of wetlands, streams, ponds, drainage swales, and unique natural land features.
  - c. Dimensions and elevations of existing and proposed structures.
  - d. Location of parking and loading areas, driveways, walkways, access and egress points.
  - e. Location, dimensions, height and characteristics of proposed signs
  - f. Location and description of any proposed open space or recreation area
4. The application shall include a listing of abutters and their addresses to include also those separated from the project by a street or other way.

D. Criteria for Review.

1. The project shall meet all Board of Health requirements with respect to wellfields and septic systems.
2. Drainage run-off from the system of roads within the development shall not damage adjoining property, overload, silt up or contaminate any marsh, swamp, bog, pond, stream or other body of water. Any proposed filling, cutting or other alteration of the topography shall not alter natural drainage patterns so as to create any of the above problems inside or outside the development. A certificate from a registered engineer shall be required attesting to the above, unless this requirement is waived by the Planning Board.
3. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. The plan shall describe estimated average daily and peak hour vehicle trips to be generated by the project and the traffic flow patterns for vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within it.

4. The project shall not place excessive demands on Town services and infrastructure. The plan shall estimate the new service requirements placed on the Town for police and fire, waste disposal, road maintenance and snow removal, and indicate what steps, if any, the applicant is proposing to minimize the impact.
  5. Proposed building or structures shall be integrated insofar as possible with the existing landscape and terrain. Building sites shall, to the extent feasible: minimize use of steep slopes; minimize obstruction of scenic views from publicly accessible locations; preserve unique natural features; minimize tree, vegetation, soil removal and grade changes; and maximize open space retention.
  6. Exposed machinery, utility structures, and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties.
  7. On-site lighting shall not glare onto or significantly disturb adjoining properties or streets.
  8. Any additional noise introduced by the proposed development shall not be detrimental to the surrounding area.
  9. The project shall conform to all requirements of the Zoning bylaw, with deviations permissible only through the Planning Board's process of approving a subdivision or a special permit from the Board of Appeals.
- E. The Planning Board shall refer copies of the formal applications to the Board of Health, Conservation Commission, Building Commissioner, Police Chief, Fire Chief and Highway Superintendent for comment. Failure to respond within 35 days of such forwarding shall be deemed as approval.
- F. The Planning Board shall notify abutters and hold an advertised public hearing within 65 days of receipt of the formal plan and shall take final action within 90 days.
- G. For those projects which require special permits, the Planning Board shall forward its findings and recommendations to the Board of Appeals.
- H. Enforcement. Any special permit issued by the Board of Appeals for a project requiring Site Plan Review shall, except for good cause as determined by the Board of Appeals, lapse within one year after its issuance unless there has been a substantial use of it.

## SECTION 80

### Open Space Development

#### Open Space Development

##### § 80.1

- A. Purpose. The purposes of Open Space Development are to protect and preserve the natural features, visual character and open space of the town of Truro, to encourage development that conforms to existing topography, allow for greater flexibility and creativity in the design of residential subdivisions provided that the overall density of the development is no greater than what is normally allowed in the district, and to encourage economical and efficient provision of public services.

- B. Applicability and Description. An Open Space Development is a residential development in which the buildings and accessory uses are clustered together with reduced lot sizes into one or more groups. The land not included in the building lots shall be permanently preserved as open space. The Planning Board may approve a special permit for a site plan for an Open Space Development of five or more single family detached dwellings subject to the requirements and conditions of this section, Section 30.8 Special Permits, and Section 70 Site Plan Review. applicants for subdivisions of five or more lots within the Town of Truro may submit a development plan in accordance with this section.
- C. Pre-Application Review. Applicants for Open Space Developments are encouraged to discuss their projects with the Planning Board prior to formal application in order to avoid unnecessary delays.
- D. Preliminary Plans. Applicants shall submit to the Planning Board seven copies of an application and a conceptual site plan for Open Space Development. The site plan may be prepared by a professional engineer, registered land surveyor, registered landscape architect or land planner. Preliminary subdivision plans are to be submitted to the Board at the time of application.
- E. Application/Site Plan Requirements. The site plan accompanying a special permit application shall comply with the requirements for site plans in Section 70 of this bylaw. Such plans should also include: layout and dimensions of all building lots, location and widths of streets and access roads, location and area of common land, and proposed locations of wells and septic systems. The Planning Board may require these proposed locations to be substantiated by percolation tests.

The application should also indicate the proposed owner of the open space, its intended use, and proposed open space easements/restrictions.

F. Requirements.

1. The maximum number of dwelling units shall not exceed the number that would be permitted by these bylaws under a standard conventional subdivision. The maximum number of dwelling units shall be calculated based upon the minimum residential lot size normally required in the district divided into the total acreage once the following areas are subtracted: 10% of the total acreage (for roads, detention basins, and other utilities); land areas below mean water on tidal water, areas of exposed ground water, and wetlands (marsh, bog, swamp, beach, dune or wet meadow) and all land precluded from residential development by current applicable local, state or federal regulations. The Planning Board shall consider the recommendations of other town boards, including the Board of Health and Conservation Commission, in determining the number of dwelling units.
2. For the purpose of Open Space Developments, dimensional requirements may be modified as follows:

Average minimum lot area	17,050 sq. ft.
Minimum lot area	14,000 sq. ft.
Average lot frontage	80 feet

Minimum lot frontage	60 feet
Minimum front, side and rear setbacks	15 feet

3. All applications for open space development shall meet the requirements of Site Plan Review specified in Section 70 of the Zoning bylaw.

4. All land not designated for roads, dwellings or other structures within the Open Space Development shall be designated permanent common land for one of the uses specified below. Common land shall comprise not less than 40% of the upland area of the site.

5. Common land shall be permanently owned and maintained by an incorporated homeowners association, nonprofit organization, or the town for conservation and recreation use pursuant to MGL CH. 40A, Section 9 and as approved by the Planning Board. Legal documents guaranteeing maintenance of the common land, and giving a lien to the Town in the event of lack of such maintenance, shall be subject to the review and approval of the Planning Board and Town Counsel. Further subdivision of the common land or its use for purposes other than specified above shall be prohibited.

6. The permanence and maintenance of the common land shall be secured through a conservation restriction enforceable by the town conforming to standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services and approved by the Planning Board.

7. The common land shall be used only for recreation, conservation, outdoor education and agriculture. Developed recreation facilities such as tennis courts, swimming pools, etc. may comprise no more than 40% of the total common land. No more than 5% of the common land may be developed for structures or pavement accessory to the proposed use of the common land. The Planning Board shall review and approve the proposed use(s) of the common land.

G. Open Space Development Design Criteria

1. Where the proposed development abuts a body of water, a portion of the shoreline, as well as reasonable access to it shall be a part of the common land.

2. To the greatest extent feasible house lots shall be laid out within woodlands or along the edges of open fields in order to maintain views.

3. Common land shall be arranged to protect valuable natural environments such as stream valleys, wildlife habitat, and scenic views and shall be planned as large, contiguous parcels whenever possible.

4. Common lands shall be provided with adequate access from one or more streets.

H. Special Permit Findings. The Planning Board shall grant a special permit for Open Space Development if it finds that the development:

1. is consistent with the purposes and requirements of this Section;

2. is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood;

3. will better serve the Town and neighborhood surrounding the development than the development likely without such approval; and
- I. Incentives. In order to encourage the use of Open Space Development within the town, the Planning Board is encouraged to make use of the following incentives:
  1. In appropriate cases, the Planning Board may waive provisions of the Subdivision Rules and Regulations related to road width and surfacing, cul-de-sac diameter, etc. in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel.
  2. Up to 50% of the land area proposed to be set aside as common land may be located on a different parcel of land, but only if the Planning Board determines, after consultation with the Conservation Commission, that such other parcel of land is exceptionally valuable to the town and its residents for open space and/or recreation and that such value more than offsets the presumed benefits of having such common open space adjacent to the proposed residential development. Nonadjacent open space is to be conveyed only to the Town or a nonprofit organization for park or open space use.
- J. Relationship to Subdivision Plan. Planning Board approval of a special permit shall not substitute for approval of a Definitive Subdivision Plan where required. Following approval of the special permit, a Definitive Plan shall be submitted to the Planning Board consistent with its subdivision regulations and in substantial conformity to the Open Space Development site plan.

## **SECTION 90**

### **Bounds of Zoning District**

The bounds of zoning districts shown on the zoning map are as follows:

#### **General Business Districts**

##### **§ 90.1.**

A. Route 6. All the land contained in the area bounded as follows: Beginning at a point on the westerly side-line of the State Highway, 1951 layout (Route 6) at the northerly side of Castle Road (a Town Way) and running thence westerly by said side of Castle Road to a point which is five hundred (500) feet distant from the said State Highway side-line and measured radially thereto;

Thence running in a general northerly direction, parallel and concentric with the said westerly side-line of the State Highway, and five hundred (500) feet distant therefrom, to a point opposite station 294 plus 63.37 of the 1925 State Highway base-line (Route 6A) and five hundred (500) feet westerly from the side-line thereof;

Thence easterly on a line perpendicular to said Highway, 1925 layout (Route 6A), five hundred (500) feet to a point on said State Highway (Route 6A) side-line opposite said station 294 plus 63.37 of said baseline;

Thence in a general southerly direction by the westerly side-line of the State Highway (Route 6) to the point of beginning by Castle Road.



B. North Truro Center. All the area contained in a strip of land on the southeasterly side of the Highland Road in the Village of North Truro three hundred (300) feet in width throughout bounded on the West by the State Highway 1925 layout, (Route 6A), on the North by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1955; and on the East by the State Highway 1953 layout. All the area contained in a strip of land three hundred (300) feet wide on the Northerly side of the Highland Road in the Village of North Truro and bounded on the West by the State Highway 1925 layout (Route 6A); on the South by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953 and on the East by the State Highway 1953 layout.

Limited Business Districts

§ 90.2.

A. Route 6A, North Truro. All the area contained in a strip of land one hundred fifty (150) feet wide along the easterly and northeasterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northerly terminus of the North Truro Center General Business District in the Village of North Truro to the northerly sideline of High Head Road and the extension thereof; and

All the area contained in a strip of land one hundred fifty (150) feet wide along the westerly and southwesterly side of the State Highway, Route 6A (1925 and 1915 layouts) (also known as Shore Road), beginning at the northerly side of Pond Road in the Village of North Truro at the westerly side of said State Highway, Route 6A (also known as Shore Road), and following the said sideline of the said State Highway, to the intersection of said State Highway and the easterly sideline of Knowles Heights Road.

B. Truro Center. All the land contained in the following area which is bounded and described as follows:

Beginning at a point on the southwesterly side-line of the old State Highway, 1925 layout which point of beginning is located from the hereinafter reference point on a bearing of North 53°14'36" West at a distance of one hundred seven (107) feet. Said reference point is a Massachusetts Highway Bound at the intersection of the westerly sideline of the State Highway, 1950 layout and said old State Highway, 1925 layout and bears South 89°40'24" West from station 117 plus 82.28 of the main base-line of said 1950 State Highway lay-out and one hundred eighteen and 56/100 (118.56) feet therefrom; From said point of beginning the area runs in a general northerly direction, following the westerly side-line of said old State Highway and three hundred (300) feet in width throughout, measured perpendicular thereto and three hundred (300) feet therefrom, ending opposite station 138 plus 78.44 of the said 1925 State Highway base-line.

All the land contained in the area bounded on the East by the State Highway, 1950 layout; On the North by South Pamet Road as laid out by the Commonwealth of Massachusetts for the Town in 1951; Said area is nearly triangular in shape and is less than three hundred (300) feet at its widest point.

All the land contained in the area bounded as follows: beginning at the intersection of the easterly side-line of the old State Highway, 1925 layout and the northerly side-line of South

Pamet Rd. and runs thence northerly by the said easterly side-line of said State Highway 1925 layout, to a point where said highway side-line intersects the location of the old North Pamet Road, a Town Way; Thence easterly by the location of said old North Pamet Road to a point which is three hundred (300) feet distant from the said easterly side-line of the State Highway 1925 layout, as measured perpendicular thereto; Thence southerly on a line, parallel with said State Highway (1925) layout side-line, to a point where it intersects the westerly side-line of the State Highway (1951 layout) Route 6; Thence southerly, southwesterly and westerly by said State Highway (1951 layout) and by said South Pamet Road, side-line to the point of beginning.

C. Beach Point. Beginning at the intersection of the southerly sideline of the State Highway, Route 6A (1915 layout) (also known as Shore Road) and the westerly sideline of Knowles Heights Road (1956 layout), thence running southeasterly by the westerly sideline of Knowles Heights Road, a distance of 245.15 feet to the point of intersection with the southerly line of lot 2 as shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 300, page 4; thence running southwesterly by the southerly line of said lot 2 and by the southerly line of lot 1 as shown on the aforementioned plan, a distance of 526 feet, more or less, to the mean high tide line of the waters of Cape Cod Bay; thence northwesterly by the mean high tide line of the waters of Cape Cod Bay to the Truro-Provincetown line; thence northerly by said town line to the aforementioned State Highway, Route 6A; thence southeasterly and easterly by the southerly side line of the aforementioned Route 6A to the point of beginning; and

Beginning at the point of intersection of the westerly sideline of High Head Road and the northerly sideline of Route 6A (also known as Shore Road); thence northwesterly by the sideline of Route 6A to the Truro-Provincetown line; thence northerly and northeasterly along the Truro-Provincetown line to the State Highway, Route 6 (1953 alteration-layout); and thence southeasterly by the southerly sideline of the aforementioned Route 6 to the point of intersection with the extension of the westerly sideline of High Head Road; thence southwesterly by the westerly sideline of High Head Road and its extension to the point of intersection.

Seashore District

§ 90.3.

Being that area established by vote taken at the Town Meeting held February 18, 1963, the Seashore District consists of all the land contained in the area which is bounded and described as follows:

Commencing at a point on the Atlantic Ocean and on the Town line between the towns of Truro and Provincetown and running thence southeasterly and southerly by said Town line to a point where said Town line intersects the northerly boundary line of the State Highway, Route 6;

Thence running in a general southeasterly direction by said State Highway side line to a point about three hundred feet (300') northwesterly of South Hollow Road, which point has a position on the Mass. Geodetic Survey Grid System, hereinafter known as the Grid System of X-986, 431.12' & Y-378, 721.69';

Thence due East on Grid bearing of N 89°02'40"E for a distance of two thousand six

hundred ninety and 39/100 (2690.39) feet to a point having a position on said Grid System of X-989, 121.13' & Y-378,766.56';

Thence S 26°27' 24" E for a distance of two thousand eight hundred and five and 53/100 (2805.53) feet to a point;

Thence S 11°33' 31" E for a distance of two thousand nine hundred twenty-six and 96/100 (2926.96) feet to a point;

Thence S 46°04' 35" E for a distance of one thousand four hundred eleven and 36/100 (1411.36) feet to a point;

Thence S 49°19' 08" W, one thousand six hundred seventy-eight and 86/100 (1678.86) feet to a point;

Thence S 61°22' 22" E, one thousand eight hundred (1800) feet to a point;

Thence N 78°14' 52" E, one thousand seven hundred forty-five and 71/100 (1745.71) feet to a point;

Thence N 60°03' 30" E, six hundred seventy-eight and 88/100 (678.88) feet to a point;

Thence S 47°09' 29" E, one thousand eight hundred fourteen and 61/100 (1814.61) feet to a point;

Thence S 27°18' 29" E, one thousand eight hundred fifty (1850) feet to a point;

Thence S 42°55' 46" W, one thousand one hundred eighty-five and 64/100 (1185.64) feet to a point;

Thence S 61°11' 21" W, six hundred sixty-two and 04/100 (662.04) feet to a point;

Thence S 6°28' 22" E, one thousand seven hundred eighty-four and 73/100 (1784.73) feet to a point by the south side of South Pamet Road;

Thence S 22°56' 00" E, one thousand five hundred eighty-four (1584) feet to a point;

Thence S 75°38' 02" W, crossing said State Highway for a distance of six thousand eight hundred thirty-six and 79/100 (6836.79) feet to a point on the easterly side of Old County Road, which point has a position on said Grid System of X-989, 565.32' & Y-362, 152.47';

Thence in a general southerly direction by and following the easterly side line of Old County Road to a point opposite Ryder Beach Road, which point has a position on said Grid System of X-989, 312.21' & Y-356, 460.56';

Thence N 55°20' 26" E, three hundred (300) feet to a point;

Thence S 34°39' 34" E, four hundred seventy-three and 44/100 (473.44) feet to a point;

Thence S 24°46' 09" E, two hundred forty-six and 32/100 (246.32) feet to a point;

Thence S 15°43' 01" E, four hundred fifty-five and 29/100 (455.29) feet to a point;

Thence S 37°23' 49" E, four hundred twenty-seven and 91/100 (427.91) feet to a point;

Thence S 68°18' 06" W, crossing said Old County Road to the waters of Cape Cod Bay;

Thence southerly by said waters of Cape Cod Bay to the Truro-Wellfleet Town line;  
Thence in an easterly direction by said Truro-Wellfleet Town line to the Atlantic Ocean;  
Thence in a general northerly and northwesterly direction by said Atlantic Ocean to the point beginning at the Truro-Provincetown Town line.

Said Area is shown on the Official Zoning Map of the Town of Truro, revised at the Town Meeting held February 18, 1963, and drawn by Wilfred G. Slade, Reg. Land Surveyor, which map is recorded with Barnstable Registry of Deeds.

Residential District

§ 90.4.

The Residential District is the land area of the Town of Truro not included in the General Business, Limited Business (including Beach Point) and Seashore Districts.

Overlay Districts

§ 90.5.

A. Water Resource Protection District. The Water Resource Protection Districts for the Town of Truro shall be determined from the following atlas which is on file with the Truro Town Clerk: "Zones of Contribution to public supply wells and water table contours, December 1990." Land in a Water Resource Protection District may be used for any purpose otherwise permitted in the underlying district, subject to the following additional restrictions in this section.

B. Flood Plain District. The Flood Plain District includes all special flood hazard areas, designated as Zone A, AE, AH, A1-30, and V1-30, on the Town Flood Insurance Rate Maps, hereinafter "FIRM", dated July 3, 1985 and on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Truro Flood Insurance Study, dated Jan. 3, 1985, shall be and are part of this bylaw and are incorporated herein by reference, and they are all available for study and inspection at the Truro Town Hall.

C. Affordable Rental Housing District. The Affordable Rental Housing Overlay District is the area that is described and bound as follows:

The land shown on a plan entitled "Consolidation and Division Plan of Land in Truro, made for the Town of Truro" by Slade Associates, Inc. Registered Land Surveyors, dated January 30, 2002 and recorded with the Barnstable County Registry of Deeds in Plan Book 571, Page 84 and shown more specifically as an unnumbered parcel with an area of 10.660 acres.

Commencing at a point on Standish Way, a town established way with a forty (40) foot layout, and at the sideline of Massachusetts Route 6, and running thence southwesterly along the edge of said town-established road, Standish Way, bearing N 34°29' 49" E for a distance of 427.83'

Thence southeasterly bearing N 50°12' 55" W for a distance of 355.84'

Thence N 36°03' 57" W for a distance of 59.72'

Thence N 53°56' 34" E for a distance of 99.05'

Thence N 36°03' 57" W for a distance of 200.04'  
Thence S 55°41' 54" W for a distance of 200.00'  
Thence N 35°36' 04" W for a distance of 353.10'  
Thence N 34°18' 06" W for a distance of 100.00'  
Thence N 34°04' 39" W for a distance of 43.81'  
Thence S 27°39' 58" W for a distance of 213.35'  
Thence N 30°5 '36" W for a distance of 212.28'  
Thence N 76°7' 25" W for a distance of 242.07'  
Thence S 44°59' 36" E for a distance of 79.55'  
Thence S 02°56' 44" E for a distance of 33.93'  
Thence S 49°25' 40" E for a distance of 954.86'

Or Take any other action relative thereto.

Requested by the Planning Board  
Planning Board Recommendation: 7-0  
Board of Selectmen Recommendation: 4-0

Comment: This complete restatement of our Zoning Bylaw will replace the current version which has been modified and amended repeatedly since its adoption in 1960. In the interests of clarity, certain inconsistencies have been eliminated, ambiguities resolved, and incompatibilities with the Massachusetts General Law removed. These differences will be identified in a handout on Town Meeting floor. Otherwise, the restatement avoids substantive changes, and is simply intended to be clearer, better organized and easier to use.

## **ARTICLE 19. ADD NEW SITE PLAN REVIEW TO THE ZONING BYLAW**

To see if the Town will vote to amend Section XIII of the Truro Zoning Bylaw, or Section 70 of the Revised Truro Zoning Bylaw if Article 18 of the Annual Town Meeting of April 27, 2004, is approved, by deleting either Section XIII, or the new Section 70, in its entirety and substituting the following therefore in its entirety, so that the new Section will read as follows:

### **SECTION 70**

#### **Site Plan Review**

##### **§ 70.1 Purpose**

A. The purpose of Site Plan Review is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides a review of plans for

uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; unique environmental and historic resources; abutting properties; and community character and ambiance.

B. Sites and developments to which this section applies shall comply with the regulations of this section as well as all other applicable Town Bylaws and the requirements of the Commonwealth of Massachusetts prior to any construction being undertaken in the Town of Truro.

#### § 70.2 Developments Which Require Site Plan Review

A. Site Plan Review is required for:

1. Construction, alteration, or modification of any commercial or industrial properties which contain more than three thousand (3,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot); or requires twenty (20) or more parking spaces.
2. Construction, alteration or modification of any existing commercial or industrial properties which results in the addition of more than one thousand five hundred (1,500) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure(s); or requires ten (10) or more parking spaces.
3. Any construction, site improvements, new uses in existing structures, or developments which contain new processes not normally associated with the existing use and which result in changes in traffic circulation and or storm water drainage; significant detrimental impact on adjacent property, or which trigger the need for five (5) or more additional parking spaces under the standards of Section VIII-F of this Zoning Bylaw.
4. Any residential development having five or more buildable lots.
5. Construction, alteration or modification of any property inside the Seashore District which results in the addition of more than one thousand (1,000) square feet of gross floor area (the aggregate gross floor area of all structures on the project lot) to an existing structure(s) or which adds an additional story to an existing structure.
6. All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.

B. Waiver of Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a site plan review application is not required when the alteration or reconstruction of an existing structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs.

The applicant must request a waiver from Site Plan Review in writing and may be required to submit supporting documentation to establish that such review is not required. A waiver request will be considered at a regular session of the Planning Board.

§ 70.3 Site Alteration - Violation of the Bylaw

- A. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until any required Site Plan endorsement is obtained from the Planning Board.
- B. Nothing herein shall be construed to prohibit such site clearing or altering as may be necessary to conduct such pre-development studies as geotechnical tests, soil borings, wetlands determination, percolation tests for septic systems as required by the Board of Health, or other similar tests required by any Town Bylaw or regulation of the Commonwealth.

§ 70.4 Procedures

- A. A site plan endorsed by the Planning Board becomes the official development plan for a site within the Town of Truro. Town permits are issued or withheld based upon compliance with the endorsed site plan. The endorsed site plan is legally binding upon the holder and can only be changed or adjusted in compliance with the provisions contained in Section XIII-8 hereof ( Revisions to Endorsed Site Plans). The Board endorsement shall mean that all pertinent aspects of this by-law have been reviewed by the Board, unless specifically waived by the Board. Endorsement does not constitute approval.
- B. An applicant for site plan review shall file with the Planning Board secretary an application form; filing fee (in effect at the time); fifteen (15) copies of the proposed site plan, and any additional information as may be required with the Planning Board. Once the application is deemed complete, the Board will forward the application to the Town Clerk. An application will not be deemed complete until all required information and fees are submitted. The time periods set forth in this Zoning Bylaw and M.G.L. Ch.40A will not start until the application has been deemed complete and submitted to the Town Clerk.
- C. The Planning Board shall have the authority to require that the applicant pay for necessary professional services reasonably required to review and analyze adequately the contents of any site plan or related impact study requested by the Board.

§ 70.5 Information Required. All site plans shall include all the following information or documentation:

- A. The Special Permit Application Form, along with any fees as may be set by the Board.
- B. Drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at another scale as approved in advance by the Planning Board.
- C. All site plans and building elevations shall be prepared by a certified architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a landscape professional acceptable to the Planning Board..

All plans shall be signed and stamped by the architect and/or engineer and/or landscape professional.

D. The following information must be submitted together with the application form:

1. **NORTH ARROW/LOCATION MAP:** A north arrow and a location map showing surrounding roadways and land uses adjacent to the site on a scale of one inch equals 1500 feet (1"=1500').
2. **SURVEY OF LOT/PARCEL:** A boundary survey conforming to the requirements of the Barnstable County Registry of Deeds. The survey shall be dated and indicate any revision made to the survey or site plan. Any revision in the survey shall be recorded before site plan endorsement becomes final.
3. **NAME/DESCRIPTION OF PROJECT:** The name of the project and the names, addresses, and telephone numbers of the project developers; a project description listing land uses, project phases, or other pertinent information necessary to evaluate the proposed project plan.
4. **LIST OF ABUTTERS:** A list of abutters and their addresses, including any abutters separated from the proposed project by a street or other way. The Board shall notify abutters and hold an advertised public hearing within sixty-five (65) days of receipt of a complete plan application.
5. **EASEMENTS/LEGAL CONDITIONS:** Identification of easement(s) or legal encumbrances(s) that are related to the site physical development, and a listing of any condition(s) placed upon the site by the Board of Appeals, Planning Board, Conservation Commission, or any other public body or agency with the authority to place conditions on the site development.
6. **TOPOGRAPHY:** The present and proposed topography of the site, utilizing two foot (2') contour intervals. The contours shall extend at least fifty (50') feet beyond the site boundaries as estimated by the professional preparing the plan.
7. **ZONING INFORMATION:** All applicable Zoning Bylaw information regarding the site's development. This information shall be placed in a tabular format which must list all parking; setbacks; percent of lot coverage; number of dwelling units; total amount of square feet; size of signs, and any other applicable zoning information necessary for the proper review of the site plan.
8. **STORMWATER DRAINAGE:** All storm water drainage facilities utilized by the site shall be shown on the site plan. Storm water drainage calculations which support the design of the control facilities shown on the plan shall be submitted to the Department of Public Works for review and approval. Calculations shall show a mitigation of runoff to zero of the 2, 10, and 100 year storm events.
9. **BUILDING LOCATION:** Identification of all existing and proposed structure(s) located on the site. The number of stories, overall height in feet and gross floor area in square feet of all existing and proposed structures shall be indicated.



10. **BUILDING ELEVATION:** A drawing of the exterior of the proposed building, as viewed from all sides. This drawing must be at least 8" x 11" in size.
11. **LOCATION OF PARKING/WALKWAYS:** Identification of the location of all existing and proposed parking and walkways, including curb cuts that will be used for site access from adjacent roadways or access points.
12. **LOCATION OF WETLANDS/NOTICE OF INTENT:** All resource areas as defined in M.G.L. Chapter 131, Section 40 shall be shown on the site plan. The applicant shall file a Notice of Intent with the Truro Conservation Commission concurrently with the application to the Planning Board for Site Plan Review.
13. **LOCATION OF WALLS/SIGNS:** Identification of the location, height and materials to be used for all retaining walls and signs located on the site. Signs will be reviewed using the Town of Truro Sign Code section of the Zoning Bylaw.
14. **LOCATION OF ROADWAYS/DRIVES:** Identification of all right-of-ways and driveways including the type and dimensions of curbs and gutters. Distances to all the nearest roadways and/or curb cuts shall be shown for both sides of any street which is adjacent to the site.
15. **OUTDOOR STORAGE/DISPLAY AREAS:** Identification of the location and type of outdoor storage and display areas on the site.
16. **LANDSCAPING PLAN:** Identification of the location and landscape schedule of all perimeter and interior landscaping, including but not limited to; proposed paving materials for walkways; fences; stonewalls; and all planting materials to be placed on the site. In addition, all existing trees over 6 inches diameter at breast height (DBH) to be saved or removed shall be shown on the site plan. Any landscaping required shall be indicated on the site plan in tabular form showing the amount required by the Zoning Bylaw and the amount provided.
17. **REFUSE AREAS:** Identification of the location of each outdoor refuse storage area, including the method of storage and screening. All refuse areas must be fully enclosed.
18. **LIGHTING FACILITIES:** Identification of all proposed illumination, indicating the direction and the degree of illumination offered by the proposed lighting facilities and including specifications of the light fixture(s) to be used.
19. **DRAINAGE BASIN STUDY:** A detailed hydrology study for the site which indicate the proposed storm water run-off rate(s) and their potential downstream impact.
20. **TRAFFIC IMPACT STUDY:** Identification of existing traffic levels, along with the expected traffic impacts based upon the proposed project. The plan shall describe estimated average daily and peak hour vehicle trips to be generated by the project.

21. **COMMONWEALTH REVIEW:** Any relevant information submitted to any agency of the Commonwealth shall be filed with the Planning Board upon the initial submission of the project for Board review.

22. **LOCATION AND DESCRIPTION OF UTILITIES.** Identification of all utilities, including sewer line locations and profiles and storm drainage systems.

23. **FISCAL IMPACT:** Projections of municipal costs rising from increased demand for public services and infrastructure; provisions of benefits from increased tax revenues, employment and infrastructure improvements. Site plan documentation shall estimate new service requirements for police and fire, waste disposal, road maintenance and snow removal, and indicate what steps, if any, the applicant is proposing to minimize impact.

24. **COMMUNITY IMPACT:** Analysis of the project's impact on the surrounding neighborhood in terms of architectural consistency, pedestrian movement and overall character, including temporary and permanent increases in noise, dust, smoke, and vibrations; impacts on nearby historic structures or site; and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans.

25. **PROJECT ESTIMATE:** The estimated date of initiation and the time required to complete the proposed project and any and all phases thereof; together with a written cost estimate including all planned site improvements.

E. **Waiver of Information Requirements**

Upon written request of the applicant the Planning Board may waive any requirements of this sub-section.

§ 70.6 Review Criteria/Design Guidelines

The Planning Board will evaluate submitted site plans and their supporting information based on the following review criteria and design guidelines:

A. **General**

1. Conformity with all applicable provisions of the Zoning Bylaw.
2. Protection of abutting properties from detrimental site characteristics.

B. **Environmental**

1. Protection of unique or important natural, historic, or scenic features. Building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, soil removal and grade changes; and maximize open space retention.
2. Adequacy of proposed methods of refuse disposal.
3. Capacity of proposed sewage disposal and water supply systems within and adjacent to the site to serve the proposed use.

4. Adequacy of the proposed drainage system within, and existing system adjacent to, the site to handle the predicted runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property, overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.
5. Adequacy of planned landscaping, including screening of adjacent residential uses; landscaping of proposed parking areas, and buffering along street frontage.
6. Adequacy of the soil erosion plan, including protection of any and all steep slopes both during and after construction.
7. Protection of adjacent properties from intrusive lighting, including parking lot and building exterior lighting.
8. Protection of the surrounding area from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.

C. Design

1. Buildings shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with what is prevalent in the surrounding area.
2. Screening shall be provided for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from public ways and residentially used or zoned premises.
3. Electric, telephone, cable, and other such utility lines and equipment must be placed underground.
4. The project shall not place excessive demands on Town services.

D. Traffic/Parking/Pedestrian Movement

1. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Driveways shall be located opposite each other wherever feasible.
2. Provision for access to adjoining properties shall be provided as appropriate. Joint access driveways between adjoining properties shall be encouraged.
3. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.

A. The concurring vote of four members of the Planning Board shall either endorse, endorse with conditions or waivers, or deny endorsement of a site plan submitted for review.

1. The Planning Board shall endorse a site plan when all the following conditions are met:

a. The site plan has been submitted in accordance with the regulations and procedures as outlined in this section, and substantially complies with Section 6, Review Criteria and Design Guidelines.

b. The site plan complies with all current Bylaw requirements of the Town.

2. The Planning Board shall conditionally endorse a site plan when both the following conditions are met:

a. The project conforms to all requirements of the Zoning Bylaw, with deviations permissible only through the Planning Board approving a subdivision or a special permit being granted by the Board of Appeals.

b. The application needs further approvals from any Town Board, Department or Commission, or requires approvals by any state, and/or federal agency.

3. The Planning Board may deny endorsement of a site plan for any of the following reasons:

a. The plan does not include all the materials or information required in this section, or has failed to adhere to the procedures for Site Plan Review as outlined in this section.

b. The plan as presented is not in compliance with one or more Town Bylaws.

c. The plan does not substantially comply with the Review Criteria and Design Guidelines.

d. The plan has been drawn incorrectly or in such form that the Planning Board is unable to determine whether sufficient information is being presented for review.

e. The applicant has failed to incorporate and adhere to any condition(s) for endorsement imposed by any Town Board, Department or Commission, or the requirements of any state or federal agency, which has proper authority to place conditions on a matter before the Planning Board.

B. The Planning Board shall render a decision within ninety (90) days of the public hearing, and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of M.G.L. Ch. 40A.

C. The applicant shall be responsible for filing the endorsed site plan and a copy of any accompanying Planning Board decision at the Barnstable Registry of Deeds. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Inspector.

#### § 70.8 Special Permits

A. For those projects which require a special permit(s) from the Board of Appeals, the Planning Board shall forward its findings and recommendations to the Board of Appeals.

#### § 70.9 Revisions to Approved Site Plan

A. Any revisions to a project that has received site plan endorsement -- except for a change of egress and ingress in compliance with Town Bylaws and the requirements of the Commonwealth -- shall be submitted to the Planning Board for further review. No revisions shall be approved until the Board receives fifteen (15) copies of the revised plan. If the revisions are or may be substantial and materially different from the endorsed plan, the Board shall direct the applicant to resubmit the site plan to the Board for review in accordance with the provisions of this section.

#### § 70.10 Performance Guarantee

A. For the purpose of securing the performance of all proposed work, including landscaping and off-site improvements, the Planning Board will require security in the form of good funds submitted to the Town of Truro in the amount of up to ten (10) percent of the estimated project cost as determined by the Board. The funds will be released upon completion of the project.

1. Prior to the final release of security and issuance of Certificate of Occupancy:

a. A final as-built plan showing final topography, the location of all on-site utilities, structures, curb cuts, parking spaces and drainage facilities must be submitted to and reviewed by the Planning Board and the Department of Public Works.

b. The applicant must submit to the Planning Board a letter from the project engineer stating that the building(s), signs, landscaping, lighting and site layout substantially comply with the plans as endorsed by the Planning Board.

c. Upon receipt of the as-built plans and project engineer's letter of compliance, the Planning Board shall review the site. Any additional screening as may be reasonably required by the Board will be added at the applicant's expense.

d. An applicant may request a temporary Certificate of Occupancy. The Planning Board may recommend that a temporary Certificate of Occupancy be issued by the Building Commissioner if, in the Board's opinion, the project substantially complies with the endorsed plan in all respects deemed by the Board material for occupancy, and the structure

complies with applicable state fire and building codes. A temporary Certificate of Occupancy shall expire eight (8) months from the date of issue and may not be renewed.

B. Site Plan endorsement shall expire two (2) years from the date of endorsement unless substantial construction has occurred. Substantial construction will be determined by a majority vote of the Planning Board. At the discretion of the Board, a time extension for project completion may be granted.

#### § 70.11 Assignment

A. An endorsed site plan may not be assigned to another person(s) or entity without the written assent of the Planning Board.

B. The Planning Board may require such information as it deems relevant before assenting to the assignment of an endorsed or conditionally endorsed site plan.

C. The Planning Board shall act in a timely manner upon a written request to assign an endorsed, or conditionally endorsed, plan to another person(s) or entity(ies) and shall not unreasonably withhold such written assent.

#### § 70.12 Appeals

A. The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of M.G.L. Ch. 40A, sec. 17.

#### § 70.13 Waivers

A. The Planning Board shall not approve any application that does not comply with all the requirements of this Bylaw. The Board does, however, have the right to waive any provision of this Bylaw when, in its opinion, such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw.

Or take any other action relative thereto.

Requested by the Planning Board  
Planning Board Recommendation: 7-0  
Board of Selectmen Recommendation: 4-0

Comment: This Article provides a more definitive framework for the Site Plan Review process. It spells out more clearly the requirements to be met by the applicant as well as the duties of the Planning Board. It requires Site Plan Review for commercial projects of smaller scope than before, as well as certain residential projects in the Seashore District. In addition, it incorporates a performance guarantee similar to that used in the Subdivision Bylaw.

**ARTICLE 20. ADD NEW DEFINITION ON LOT SHAPES TO THE ZONING BYLAW**

To see if the Town will vote to amend Section IX-A.1 of the Truro Zoning Bylaw in the following manner:

A. By adding the following language to the current text of Section IX-A.1 Area and Height Regulations:

**For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite side-lines.**

So that the language will now read:

1. No building except building for accessory use, or cottages as defined in Section II, shall be constructed on a lot or parcel of land with a frontage of less than one hundred and fifty (150) feet on a public, private or approved way, nor with an area of less than thirty-three thousand seven hundred fifty (33,750) square feet. **For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite side-lines.**

or take any other action relative thereto.

Requested by the Planning Board  
Planning Board Recommendation: 7-0  
Board of Selectmen Recommendation: 4-0

Comment: This amendment would help prevent the proliferation of "pan handle" lots and other odd shaped lots which include significant areas which are effectively unusable due to their severely constricted shapes. Its aim is to require that all new lots from this date forward be configured such that all portions of a lot are substantially contiguous and available for use and enjoyment.

**ARTICLE 21. TOWN CHARTER AMENDMENTS**

The following overview is presented by the Truro Charter and Bylaws Review Committee to briefly explain the process used in the preparation of this rewrite of the Truro Charter, and to give the voters a brief synopsis of significant recommended revisions to the Truro Charter. The full Truro Charter and recommended revisions immediately follows the overview.

**Overview:**

The Charter and Bylaws Review Committee was appointed December 2002 by the Board of Selectmen and was charged to "make recommendations for the revisions and amendment of the

Truro Charter ... not later than the 2004 Annual Town meeting." The Committee was also charged with similar responsibilities for the General and Personnel Bylaws.

The Committee determined that the goals of its Charter work would be to:

1. Improve clarity
2. Eliminate redundancy
3. Ensure conformance with current Massachusetts Laws
4. Reflect current and future needs of the Town
5. Enable the increased efficiency and effectiveness of Town government

The Committee solicited input on potential Charter revisions from the Town Administrator, Department Heads, Officials, other Committees/Boards, and the citizens of Truro. The Committee held 18 open meetings since January 2003 and participated in a joint work session with the Board of Selectmen. At a public hearing held on January 12, 2004, numerous comments were received and considered by the Committee.

The recommended Charter revisions offered for consideration and ratification by Town Meeting are based on the collective input from members of the Committee as well as all the sources mentioned above.

#### **Synopsis of Significant Recommended Revisions:**

The following synopsis contains what the Committee believes are the significant recommended Charter revisions for Town Meeting consideration:

1. Changes the routine frequency of Charter revision from every 5 years to every 8 years (plus a 2-year Committee review process) while allowing interim revisions if deemed necessary by the Board of Selectmen (Paragraph 1-4-5).
2. Adds a requirement that the Board of Selectmen reorganize annually. The Board of Selectmen has done so in the past, but it was not codified in the Charter (Paragraph 4-1-7).
3. Adds the development and maintenance of a Truro 5-year Plan as the responsibility of the Board of Selectmen (Paragraph 4-2-1).
4. Specifies a performance evaluation timeline and criteria for the Town Administrator and the Police Chief, as the responsibility of the Board of Selectmen (Paragraph 4-2-2).



5. Establishes the minimum content of the Board of Selectmen's portion of the Annual Town Report (Paragraph 4-2-5).
6. Eliminates the Board of Selectmen's title of Commissioners of Public Safety (Paragraph 4-2-8); a title that is no longer defined by Massachusetts Laws.
7. Encourages the Board of Selectmen to delegate many licensing functions to the Licensing Agent (Paragraph 4-2-10).
8. Establishes a semi-annual review of all Town fees by the Board of Selectmen, in consultation with appropriate Town Departments, other Boards, and the Finance Committee (Paragraph 4-2-11).
9. Details a set of responsibilities for the Chairman of the Board of Selectmen (Paragraph 4-2-12).
10. Restates many of the Town Administrator's powers and duties, mostly for clarity (Paragraph 5-3-3).
11. Increases the Town Administrator's authority to negotiate and sign contracts up to \$100,000; higher if approved by the Board of Selectmen (Paragraph 5-3-3[o]).
12. Establishes the Town Administrator as liaison between the Board of Selectmen and the Police Department (Paragraph 5-3-3[s]).
13. Establishes the Town Administrator, and removes the Board of Selectmen, as the negotiator of collective bargaining agreements, with the Finance Committee in an advisory role (Paragraph 5-3-4).
14. Describes throughout the document (e.g., Paragraph 5-6-2) the powers and duties of the Assistant Town Administrator (a Town position added since the current Charter was enacted).
15. Defines the working relationship between the Town Administrator, the Board of Selectmen, and the Finance Committee, with regard to the development of the Annual Town Budget (Paragraphs 7-1-1 through 7-1-3).
16. Rescinds Chapter 9 – Transitional Provisions. Some text was deemed unnecessary and other text was integrated more appropriately into other Chapters of the Charter.

17. Adds a definition for the 5-year Plan (Appendix A).
  18. Describes, in accordance with Massachusetts Laws, the method by which the Truro Town Charter may be revised in the future (Appendix C).
- 

To see if the Town will vote to authorize and approve the filing of a petition with the General Court of the Commonwealth under Section 8 Article 2 of the Amendments to the Constitution of the Commonwealth as amended by Article 89 of those Amendments, known as "The Home Rule Amendment," to enact a special law which will amend the Truro Charter so that it will thereafter assume substantially the attached form:

## **THE TRURO CHARTER**

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## **PREAMBLE**

We, the people of the Town of Truro, Massachusetts, in order to reaffirm the customary and traditional liberties in the conduct of local government ~~and~~ to take the fullest advantages inherent in the home rule amendment of the Constitution of the Commonwealth, ***and to provide a set of rules and procedures for an efficient and effective governance of the town***, do hereby adopt the following home rule charter for the Town.

## **Chapter 1 - Form of Government**

### **Section 1 - Incorporation**

- 1-1-1 The present Town of Truro, Massachusetts, within its territorial limits as established by law, shall continue to be a body corporate and politic under the name of "Town of Truro."

### **Section 2 - Branches of Government**

- 1-2-1 The legislative powers of the Town shall be vested in a Town Meeting in accordance with the provisions contained in Chapter 2 of this Charter.
- 1-2-2 The executive powers of the Town shall be vested in a Board of Selectmen in accordance with the provisions contained in Chapter 4 of this Charter.
- 1-2-3 The administrative functions of the Town shall be exercised by a Town Administrator in accordance with the provisions contained in Chapter 5 of this Charter.

### **Section 3 - Powers of the Town**

- 1-3-1 The Town shall possess, exercise and enjoy all powers possible under the Constitution and ***the*** General Laws of the Commonwealth as fully and completely as though they were expressly enumerated in this Charter.
- 1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no specific grant of particular powers in this Charter shall limit in any measure the general grant of power under section 1-3-1 of this Charter.
- 1-3-3 The Town may enter into agreements with any governmental division or agency of any municipality, county, the Commonwealth, other state, or the United States to perform

jointly, by contract or otherwise, any of its powers or functions, and may jointly participate in the financing thereof.

#### **Section 4 - General Provisions**

1-4-1 ***Specific Provisions Prevail.*** To the extent that any specific provision of this Charter may conflict with any provision expressed in general terms, the specific provision shall prevail.

1-4-2 ***Severability.*** If any provision of this Charter is held invalid, such invalidity shall not affect any other provision of this Charter which can be given effect without the invalid provision, and to this end, the provisions of this Charter are severable.

**(Note: Formerly 1-4-4)**

1-4-3 ***Nonwaiver of Provisions.*** The provisions of this Charter shall not be waived. If any provision of this charter is not enforced in any instance for whatever reason, it shall not be construed as a reason for nor a precedent set to avoid or prevent subsequent enforcement of such provision. (119/2000)

**(Note: Formerly 1-4-3)**

1-4-4 ***Charter Changes.*** This Charter may be replaced, revised, or amended in accordance with the Constitution and the General Laws of the Commonwealth. ***The preferred method of Charter revision in the Town of Truro is via Special Legislation from the General Court. (See Appendix C).***

***(Note: Language for this new section was taken from former Section 9-9-3, revised and added here to new, additional language).***

1-4-5 ***Future Revisions and Recodifications.*** In April of the ~~fifth~~ ***eighth*** year following the election at which this Charter is adopted and every ~~fifth~~ ***eighth*** year thereafter a Charter and By-law Review Committee of seven members shall be appointed by the Board of Selectmen for ~~one~~ ***two*** years. ***If deemed necessary by a majority vote of the Board of Selectmen, a Charter and By-law Review Committee may be appointed sooner than the next scheduled ten-year review.*** Such committee shall make recommendations for the revision, ***recodification***, or amendment of this Charter ***and/or*** the ***General*** By-laws ***and/or the Personnel By-laws*** to the next Annual Town Meeting ***or at the Town Meeting following the completion of its work***, such revisions or amendments to be made in accordance with the General Laws, this Charter, and the ***General*** By-laws, and shall be discharged upon making such recommendations to the Annual Town Meeting. ***The Town Counsel or, if the Board of Selectmen shall so direct, special counsel appointed for that purpose, shall serve as legal counsel to the Committee. The Committee shall commence its review following the adjournment of the Annual Town Meeting in the year preceding the year in which the report is to be filed. The Committee shall cause to be published in a local newspaper (a) the times and places within the Town where complete copies of the report shall be available for inspection by the public; and (b) the date, time and place, not less than two weeks following such***

**publication, when a public hearing shall be held by the Committee on the preliminary report.** Following the adoption of any revisions or amendments made in accordance with this section, the Board of Selectmen shall cause to be printed a copy of the revised or amended Charter and/or **the General** By-laws and shall cause a current reference copy of both to be available in the office of the Town Clerk.

**1-4-6 Transitional Provisions.** *For reasons of continuity of government, once a new, revised or amended Charter is implemented, the following policies shall be adhered to:*

**A. (Note: Taken from former 9-2-1)**

All General Laws, Special laws, Town By-laws, **Town Meeting** votes, **and** rules and regulations of or pertaining to the Town which are in full force ~~and effect at the time of the election at which this Charter is adopted, and which are not specifically or by clear~~ implication repealed ~~directly or indirectly~~ hereby, shall continue in full force and effect until amended or rescinded by due course of law, or until they expire by their own limitation.

**B. (Note: Taken from former 9-3-1)**

Members of all Town agencies, offices, and departments shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred or assumed by another Town agency, office, or department in accordance with the provisions of this Charter.

**C. (Note: Taken from former 9-4-1)**

Any person holding an office or position in the administrative office or position in the administrative service of the Town, and any person serving in the employment of the Town, shall retain such office or position and shall continue to perform their duties unless provisions are made in accordance with this Charter for the performance of such duties by another person, agency, office, or department provided, however, that no person in the full-time service or employment of the Town shall forfeit their pay grade or time of service.

**D. (Note: Taken from former 9-10-1)**

All records, property and equipment of any agency, office or department, or of any part thereof, the powers and duties of which are reassigned in whole or in part to another agency, office, or department shall be transferred forthwith to the agency, office or department to which such powers and duties are reassigned.

## **Chapter 2 - The Legislative Branch: Town Meeting**

### **Section 1 - Conduct of the Town Meeting**

2-1-1 The legislative powers of the Town shall be vested in a Town Meeting which shall consider and act upon, with or without amendments, all operating budgets, capital budgets, bond issues or other financial matters, all proposed By-laws or amendments to By-laws, and any other business which may properly come before it.

***2-1-2 Every Town Meeting shall be called in pursuance of a warrant issued under the hands of the Selectmen, notice of which shall be given at least seven days before the Annual Town Meeting and at least fourteen days before any special town meeting.***

**(Note: Formerly 2-1-2)**

2-1-3 The Annual Town Meeting shall be held in each year on the last Tuesday in April.  
(255/1993,192/2000)

**(Note: Formerly 2-1-3)**

2-1-4 A Special Town Meeting shall be held at the call of the Board of Selectmen; or, upon petition on an approved form signed by 200 of the registered voters of the Town, the Board of Selectmen shall call a Special Town Meeting to be held within 45 days ***of receipt of the petition.*** (119/2000)

**(Note: Formerly 2-1-4)**

2-1-5 A quorum for Town Meeting shall be 100 registered voters as listed at the close of the registration period for Town Meeting. If a quorum is not reached, the Moderator shall adjourn the meeting to a stated ~~date, time, and place~~ ***place, time, and date***, which shall be within seven days. (181/1993,119/2000)

**(Note: Formerly 2-1-5)**

2-1-6 Elected officials, the Town Administrator, division and department heads, and chairpersons of multi-member bodies, or their designated representatives, shall attend Town Meeting in order to provide information when an article or articles which may affect their particular office or function are included in the warrant. If any person so required to attend Town Meeting in accordance with this section is not a resident of the Town, such person shall be allowed to address the Town Meeting.

***2-1-7 The Annual Town Meeting may be postponed by not less than a 4-1 vote of the Selectmen no later than four (4) weeks prior to the last Tuesday in April provided, however, that the postponed meeting takes place no later than the last Tuesday in May. Such postponement can occur only if the required Town business can not be acted on by the scheduled Town Meeting date.***

***2-1-8 Any Annual or Special Town Meeting may be postponed by the Moderator in coordination with the Truro Emergency Management Director for a period not exceeding seven (7) days in the event of any emergency, disaster, or event that could potentially jeopardize the conduct of said meeting, or otherwise harm the citizens of Truro. The Moderator will also postpone said meeting(s) for a period not exceeding seven (7) days if the Truro Central School or other meeting location is being used as a***

*designated shelter, or used in any capacity as determine by the Truro Emergency Management Director.*

## **Section 2 - The Moderator**

2-2-1 A Moderator shall be elected in accordance with section 3-1-1 of this Charter and shall preside at Town Meeting.

**(Note: Former Sections 2-2-2 and 2-2-3 deleted and revised to form new 2-2-2, 2-2-3 and 2-2-4)**

~~2-2-2 The Moderator shall conduct the proceedings of Town Meeting in accordance with the latest revised edition of Town Meeting Time, unless otherwise provided by General Laws, this Charter, or By-laws.~~

**2-2-2 *If a vacancy in the office of Moderator occurs during any term, it may be filled by the voters of the town at any annual election in accordance with Chapter 3 of this Charter.***

~~2-2-3 If the Moderator is absent, an acting Moderator shall be elected in accordance with the latest revised edition of Town Meeting Time until such time as the Moderator returns.~~

**2-2-3 *If the Moderator is absent at any Town Meeting, the Town Meeting may elect a temporary Moderator for that Town Meeting.***

**(Note: Language moved to 2-2-6)**

~~2-2-4 The Moderator shall appoint a Finance Committee in accordance with the provisions of Chapter 6. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town Meeting. (119/2000)~~

**2-2-4 *The Moderator shall regulate the proceedings of all Town Meetings, decide all questions of order and make public declaration of all votes. The Moderator shall conduct the proceedings of Town Meeting in accordance with the General Laws, this Charter, the By-laws, and the latest revised edition of Town Meeting Time.***

**2-2-5 Deleted** (119/2000)

**2-2-5 *If a simple majority or two-thirds vote of a Town Meeting is required on a particular vote, the Moderator may declare that such plurality has been achieved based on a voice vote, and unless challenged, the vote shall be recorded by the Town Clerk. If any voice vote declared by the Moderator is immediately questioned by a least seven voters, an actual count shall be taken by polling the voters. If a four-fifths or a nine tenths vote of a Town Meeting is required, a count shall be taken by polling the voters and the count recorded by the Town Clerk, unless there is a unanimous vote.***



*(Note: Formerly 2-2-4)*

**2-2-6** The Moderator shall appoint a Finance Committee in accordance with the provisions of Chapter 6. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town Meeting, *in accordance with Section 2-3-7 of this Charter.*

### **Section 3 - The Warrant**

**2-3-1** *Except for procedural matters, all subjects to be acted upon by the Town Meeting shall be placed on warrants issued by the Board of Selectmen.* The warrant for the Town Meeting shall be prepared by the Board of Selectmen and shall incorporate the appropriate recommendations in accordance with sections 2-3-7 and 2-3-8 of this Charter.

*(119/2000)*

**2-3-2** The warrant for ~~Annual~~ *any* Town Meeting shall include all articles submitted *in writing* by: ~~(i) any elected and or appointed multi-member bodies the warrant for a Special Town Meeting may include such articles;~~ *body acting by a majority of its members; (ii) any ten or more registered voters for submission of any article on the Annual Town Meeting Warrant; or (iii) any 100 or more registered voters for submission of an article on any Special Town Meeting Warrant.* All Town Meeting articles petitioned by registered voters shall be submitted in accordance with sections 2-3-3 and 2-3-4 of this Charter. *(119/2000)*

**2-3-3** ~~A petition on an approved form and signed by ten registered voters of the Town shall secure inclusion of an article in the warrant of the Annual Town Meeting. for submission of an article on a town meeting warrant shall be submitted on a form previously approved by the Board of Selectmen for such purpose. A petition on an approved form and signed by 100 registered voters of the Town shall secure inclusion of an article in the warrant of a Special Town Meeting. Sufficient guidance shall be provided by the Board of Selectmen to the petitioners to ensure that the petitioned article is in the proper form to secure inclusion in the warrant.~~ *(119/2000)*

**2-3-4** The warrant shall be opened for submission of articles *no less than* 90 days before the date of the Annual Town Meeting and shall remain open for *not less than* 30 days . The warrant for a Special Town Meeting shall be opened and closed as determined by the Board of Selectmen, except the period between opening and closing the warrant shall not be less than seven days. *(119/2000)*

**2-3-5** *The Town Constable is responsible for serving the warrant and giving the notice prescribed by the General Laws.* The Board of Selectmen shall ensure that the warrant is posted and sufficient copies are available at least 14 days before the date of a Town Meeting. ~~Posting shall be made by the Constable in Town Hall, the United States Post Offices, and two other public places in Truro and two other public places in North Truro.~~ The warrant shall be *posted and* made available to the voters at Town Hall, the

Central School, the Public Library, the Transfer Station, and any other locations deemed appropriate by the Board of Selectmen. (119/2000)

2-3-6 In the Annual Town Meeting warrant, the proposed operating budget shall be presented in a single article placed before any other article involving the appropriation, transfer or borrowing of funds. This article shall be followed directly by an article, or series of articles, involving proposed capital expenditures and related matters. These articles shall be followed immediately by any other articles involving the appropriation, transfer or borrowing of funds. In a Special Town Meeting warrant, the Board of Selectmen shall determine the order of all articles. (119/2000)

2-3-7 The Finance Committee shall state in the warrant or at Town Meeting its recommendation *of approval or disapproval* and recorded vote for any article calling for the appropriation, transfer, or borrowing of funds before it shall be acted upon by the Town Meeting. Any article not receiving *such* a recommendation as required by this provision may ~~only~~ be considered and acted upon *only* with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by the General Laws. The recommendation required by this section shall be made in accordance with section 7-1-7 of this Charter. (119/2000)

2-3-8 Any article sponsored by a multi-member body shall state in the warrant the sponsor's recommendation and recorded vote before it shall be acted upon by the Town Meeting. ~~Any article not receiving a recommendation as required by this provision may only be considered and acted upon only with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by the General Laws.~~ (119/2000)

[Note: Original 2-3-8 deleted/ original 2-3-9 is now 2-3-8] (119/2000)

### **Chapter 3 - Elections and Recall**

#### **Section 1 - Elected Officials**

(Note: Language transferred to 3-1-6)

3-1-1 *The offices to be filled by the voters shall be: 1) the Board of Selectmen; 2) the School Committee; 3) Board of Library Trustees; 4) the Housing Authority; 5) the Planning Board; 6) the Cemetery Commission; 7) the Moderator; and 8) such members of regional authorities or districts as may be established by General Laws, inter-municipal agreement, or bylaw.*

3-1-2 *There shall be a Board of Selectmen consisting of five (5) members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. See Chapter 4 for the powers and duties of the Selectmen.*

3-1-3 *There shall be a School Committee consisting of five (5) members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall*

*expire each year. The School Committee shall have all of the powers and duties given it under the provisions of the Constitution and the General Laws, and such additional powers and duties as may be authorized by this Charter, by bylaw, or by town meeting vote. The School Committee shall annually submit a School Budget to the Town Administrator in accordance with the provisions of Chapter 7 of this Charter. Contracts funded within the school budget shall be negotiated and signed by the Superintendent of Schools or the School Committee, in accordance with the General Laws, provided such contract receives funding authorized by Town Meeting.*

**3-1-4** *There shall be a Board of Library Trustees consisting of five (5) members elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The Board of Library Trustees shall have all the powers and duties given it under the provisions of the Constitution and the General Laws, and such additional powers and duties as may be authorized by this Charter, by bylaw, or by town meeting vote. The Board of Library Trustees shall have the custody and management of the library and of all property of the Town related thereto. All money raised or appropriated by the Town for the library's support and maintenance shall be expended by the Board, and all money or property that the town may receive by gift or bequest for the library shall be administered by the Board in accordance with the provisions of such gift or bequest.*

**3-1-5** *There shall be a Housing Authority consisting of five (5) members, four members of which shall be elected by ballot and the fifth member of which shall be a resident of the Town and appointed by the State's Department of Housing and Community Development or as otherwise provided by the General Laws. The Housing Authority members shall serve five (5) year terms, so arranged that one term shall expire each year. The Housing Authority is an independent public body and shall operate pursuant to the provisions of the General Laws and all applicable federal, state, and local provisions.*

**(Note: Language taken and revised from former 3-1-1)**

**3-1-6** *A Moderator shall be elected for a three-year term at any annual election of the town by ballot of the registered votes of the Town. For the powers and duties of the Moderator see Chapter 2, Section 2.*

## **Section 2 - Conduct of the Elections**

**3-2-1** The Annual Election for all elected Town offices shall be by official ballot held each year on the second Tuesday in May. (119/2000)

**3-2-2** All Town Elections shall be non-partisan and election ballots shall be printed without any party designation whatsoever.

**3-2-3** Only registered voters of the Town shall be eligible for any elected **Town** office or elected multi-member body of the Town. (119/2000)

- 3-2-4 No person shall be a candidate for, or hold concurrently, more than one elected Town office. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision. (181/1993,171/1994)

### **Section 3 - Taking Office**

- 3-3-1 Persons duly elected to any Town office or multi-member body shall forthwith be sworn to the faithful performance of their duties by the Town Clerk and shall immediately take up the duties of the office or the multi-member body.

### **Section 4 - Recall of Elected Officials**

- 3-4-1 Persons duly elected to any *Town* office or multi-member body may be recalled by recall petition and special election in accordance with Chapter 204 of the Massachusetts Acts of 1985, "An Act Authorizing the Town of Truro to Recall Elected Officials," as may be amended from time to time.

## **Chapter 4 - The Executive Branch: Board of Selectmen**

### **Section 1 - The Board of Selectmen**

- 4-1-1 The executive powers of the Town shall be vested in a Board of Selectmen of five members who shall be elected in accordance with the provisions of Chapter(s) *3 and 6* of this Charter. *The Selectmen shall have all the powers and duties given to Boards of Selectmen under the Constitution and the General Laws of the Commonwealth, and such additional powers and duties as may be authorized by this Charter, by bylaw or by other Town Meeting vote.*
- 4-1-2 A vacancy in the office of Selectmen shall be filled by special election in accordance with provisions of *the* General Laws.
- 4-1-3 Members of the Board of Selectmen may receive such honoraria as may be authorized and appropriated by the Annual Town Meeting.

**(Note: Paragraphs 4-1-4 through 4-1-6 were moved from Section 5 of this Chapter, Paragraphs 4-5-1, 4-5-2, 4-5-3)**

**4-1-4** Members of the Board of Selectmen shall possess no individual authority.

**4-1-5** Except for the purposes of investigation in accordance with section 4-4-1 of this Charter, the Board of Selectmen shall deal with employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such employee, the single exception being the Administrative Secretary who reports both to the Town Administrator and the Board of Selectmen. (119/2000)

**4-1-6** No member of the Board of Selectmen may be elected or appointed to any other Town office or multi-member body, except in accordance with section 6-2-10 of this Charter. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision. (119/2000)

**4-1-7** *The Board of Selectmen shall organize annually, elect a chairperson and other necessary officers, adopt rules of procedure and voting, maintain minutes and all other records of proceedings (copies of which shall be a public record and shall be filed promptly with the Town Clerk), and shall annually submit a report for inclusion in the annual town report.*

## **Section 2 - Executive Powers**

**(Note: Language integrated and revised from former 4-2-1 and 4-2-11)**

**4-2-1** The Board of Selectmen, *under the leadership of its Chairman and considering the guidelines of the Truro Local Comprehensive Plan (LCP) and other Town-approved Plans,* shall act in its executive capacity as the chief goal-setting, policy-making and long-range planning body of the Town and as such *set and complete goals and objectives for the Town, establish Town policies and Board policies in consultation with the multi-member Boards, and develop and oversee the Town's 5-year Plan (see 4-2-5). The Board* shall regularly provide direction to the Town Administrator ~~who shall whom the Board shall appoint pursuant to the provisions of Chapter 5 of this Charter and whom shall~~ administer the day-to-day affairs of the Town in accordance with ~~such the~~ goals, policies, ~~or and~~ plans *of the Town developed by the Board.*

**4-2-2** *The Board of Selectmen shall, in March of each year, conduct and complete an annual evaluation of the performance of the Town Administrator and Police Chief. The evaluation shall consider the competency by which the day-to-day administration of the Town's and the Police Department's affairs have been conducted and whether there has been adequate and appropriate progress on and adherence to the specific goals, objectives, policies, and plans, as established by the Board (see 4-2-1 and 4-2-5).*

**(Note: Language revised from former 4-2-2)**

**4-2-3** Any goal, *objective*, policy, plan, or official act adopted by the Board of Selectmen shall be made in writing, the text of which shall be included in its entirety in the minutes of the meeting at which it is adopted. *The Board shall cause a current reference copy of the minutes* to be available to the public in the office of the Town Clerk. A file containing *all* the Board of Selectmen's current policies and goals shall be readily available at Town Hall *maintained at the Office of the Town Clerk* for public reference. (119/2000)

**(Note: Language from former 4-2-3)**

**4-2-4** The Board of Selectmen shall have the power to enact rules and regulations establishing Town policies not otherwise governed by *the* General Laws, this Charter, or By-law, provided, however, that whenever an appropriation shall be necessary to implement

such action, the vote of the Board of Selectmen shall be effective only if *after* such appropriation has been authorized by the Town Meeting.

**(Note: Language revised from former 4-2-4)**

**4-2-5** The Board of Selectmen shall cause to be compiled and published an Annual Town Report for each calendar year; ~~such~~ *which Report shall include reports from all elected and appointed Town Officials, department heads and multi-member bodies. Such Report shall* be available at least 14 days before the next Annual Town Meeting. ~~it shall include reports from all elected and appointed Town Officials, department heads and multi-member bodies.~~ The Moderator shall be ~~excepted~~ *exempt* from submitting a report. *The Board of Selectmen's report shall include, at a minimum:*

- \$ *A Report on the status of all previously established goals and objectives.*
- \$ *The previous year's accomplishments by the Board.*
- \$ *The rolling Five-Year Plan for the Town defined in Appendix A.*
- \$ *The setting of new specific goals and objectives for the Town, including those related to the Five-Year Plan.* (119/2000)

**(Note: Language revised from former 4-2-5)**

**4-2-6** The Board of Selectmen shall cause the laws and orders of the government of the Town to be enforced.

**(Note: Language revised from former 4-2-6)**

**4-2-7** The Board of Selectmen shall serve as the custodian of all Town-owned property, unless otherwise provided by the General Laws, and shall *direct the Town Administrator to* plan for its preservation, maintenance, and protection, and ~~shall plan~~ for the timely replacement of capital facilities and infrastructure. (181/1993, 119/2000)

**(Note: Language revised from former 4-2-7)**

**4-2-8** The Board of Selectmen shall have the sole authority to enter into contracts for the Town *of Truro as follows:* ~~unless otherwise provided for in General Law or By-law. The exception is where contracts are funded within the school budget, such contracts shall be signed by the Superintendent of Schools or the School Committee, whichever is appropriate in accordance with the General Laws.~~ (119/2000)

- a.) *Procurement Contracts which exceed the authority of the Town Administrator as set forth in Section 5-3-3 of this Charter;*
- b.) *All contracts pertaining to real property or interests therein; and*
- c.) *Contracts for the Town in all other matters, in accordance with the General Laws.*

~~4-2-8 The Board of Selectmen shall act as the Commissioners of Public Safety in accordance with General Law. (See 5-3-3 [s]).~~

**(Note: Language revised from former 4-2-9)**

**4-2-9** The Board of Selectmen shall ~~act as~~ *be* the Licensing authority *Board* of the Town and shall have the power and responsibility required to issue *all* licenses, *with the exception*

*of public health licenses issued by the Board of Health and other licenses reserved unto others by the General Laws. The Board of Selectmen shall also devise and to make all necessary rules and regulations regarding the issuance of such licenses licensing procedure, set all standards for the issuance of licenses, devise and to attach such conditions and impose such restrictions appropriate to each license as it considers deems to be in the public interest, and to enforce the laws or cause to be enforced, the law, rules, and regulations relating to all businesses to for with the exception of public health licenses issued by the Board of Health or unless otherwise provided by the General Laws which it issues licenses. The Selectmen shall supervise the Licensing Agent of the Town who shall administer the Licenses issued by the Selectmen. The Selectmen may delegate to the Licensing Agent the authority to issue renewals of licenses and to issue certain classes of new licenses, provided the General Laws do not require a public hearing by the Selectmen prior to said renewal or issuance and provided further that the license application meets the standards set by the Selectmen in each instance.*

(119/2000)

**(Note: Previous 4-2-10 regarding Collective Bargaining deleted from this Chapter and moved to the Chapter governing the Town Administrator-s powers and duties: 5-3-4)**

~~4-2-10 The Board of Selectmen shall act as the collective bargaining agent for the Town unless otherwise provided by the General Laws. It shall appoint a collective bargaining team which shall consist of not less than two selectmen, the Town Administrator, and those department heads whose employees shall be subject to the collective bargaining agreement. The Board of Selectmen may use professional assistance on the collective bargaining team. The collective bargaining team shall appoint one of its members to serve as the negotiator.~~

(119/2000)

**4-2-10 *The Board of Selectmen shall, in the fourth quarter of every other calendar year, set all fees collected by the Town, for the following year. The amount of such fees shall be set in accordance with the relevant provisions of the General Laws and only after a public hearing and consultation with the appropriate Town Department, multi-member board(s), and Town Administrator, and the Finance Committee.***

~~4-2-11 The Board of Selectmen shall annually, during the month of June, hold a meeting for the purpose of stating the Board's goals for the coming fiscal year. The Board will revisit its goals for the year concluding and review its accomplishments relative to those goals. This presentation is to be followed by a question and answer session led by the Town Moderator. All Town Officials, Department Heads and Chairpersons of multi-member bodies shall attend. The meeting and its agenda shall be advertised in one or more local papers and the general public shall be invited.~~

(119/2000)

**4-2-11 *The Chairman of the Board of Selectmen, in his or her capacity as the chief presiding officer of the Board, shall have the following additional responsibilities. These***

*responsibilities may be delegated to the Vice-Chairman in the absence or temporary incapacity of the Chairman.*

\$ *Preside over all meetings of the Board.*

\$ *Set the agenda for all Board meetings, in consultation with the Town Administrator and other Board members.*

\$ *Perform the ceremonial requirements of the Board. This responsibility may be appropriately delegated to other Board members on a case-by-case basis.*

\$ *Assign, after consultation with other members of the Board, oversight and/or direct responsibility, to a Board member, for the completion of each project/program.*

\$ *Maintain a written Working Plan containing all open items being worked by the Board, which Plan shall be reviewed and updated quarterly at a scheduled Board meeting.*

\$ *Create timelines, after consideration with other members of the Board, for projects or programs administered by the Board.*

\$ *Oversee the activities of the Board.*

\$ *Promote policies designed to ensure that project program timelines and commitments are met.*

\$ *Promote policies designed to ensure that issues presented to and by the Board for consideration are resolved expediently.*

\$ *Promote adequate and regular communication between the Board of Selectmen and all multi-member bodies, including communications regarding what aspects of the Board and Town goals and objectives might be considered by them.*

### **Section 3 - Powers of Appointment**

4-3-1 The Board of Selectmen shall appoint:

Town Administrator

Public Safety Personnel:

Police Chief and Officers

Board of Fire Engineers

~~Civil Defense Director~~

***Emergency Management Director***

Constables

Town Counsel

(119/2000)

4-3-2 The Board of Selectmen shall appoint all members to all appointed multi-member bodies, except those to be appointed by the Moderator in accordance with sections ~~2-2-4~~ **2-2-6** and 6-4-3 of this Charter, and shall appoint all appointed representatives to governmental bodies other than the Town except when otherwise provided by ***the General Laws or*** inter-municipal agreements. All appointments are to be made in accordance with the provisions of Chapter 6 of this Charter. (181/1993,119/2000)

### **Section 4 - Powers of Investigation**



- 4-4-1 The Board of Selectmen may conduct investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town Department, office, agency or official, including any doubtful claims against the Town. ~~The subject of any such investigation shall be informed of the conduct of the investigation, and a comprehensive and inclusive report of the investigation shall be placed on file in the office of the Town Clerk.~~ *To the extent that the investigation report is a public record under the General Laws, the final report will be filed with the Town Clerk and available for public inspection. If the subject of the investigation is an individual, the Board shall conduct its investigation in accordance with the provisions of the General Laws governing open meetings and public records and the town's Personnel Bylaw, if applicable.*

(119/2000)

(Note: Section 5 was moved to Section 1 as 4-1-4 through 4-1-6.)

**Section 5 - Limitations**

- ~~4-5-1 Members of the Board of Selectmen shall possess no individual authority.~~

- ~~4-5-2 Except for the purposes of investigation in accordance with section 4-4-1 of this Charter, the Board of Selectmen shall deal with employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such employee, the single exception being the Administrative Secretary who reports both to the Town Administrator and the Board of Selectmen.~~

(119/2000)

- ~~4-5-3 No member of the Board of Selectmen may be elected or appointed to any other Town office or multi-member body, except in accordance with section 6-2-11 of this Charter. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision.~~

(119/2000)

**Chapter 5 - Administration: The Town Administrator**

**Section 1 - Appointment**

- 5-1-1 The Board of Selectmen shall, by an affirmative vote of at least four of its five members appoint a Town Administrator whose terms of employment shall be set by negotiated employment contract. (119/2000)

5-1-2 **Deleted**

(119/2000)

- 5-1-2 The Board of Selectmen shall search for candidates for the position of Town Administrator by placing an advertisement in the International City/County

Management Association (ICMA) Newsletter or one other similar professional publication and at least two newspapers having state-wide or regional distribution. (119/2000)

## **Section 2 - Qualifications**

5-2-1 The Town Administrator shall be appointed on the basis of educational and professional qualifications.

5-2-2 The minimum educational qualifications shall include at least a bachelor's degree, preferably in public administration, granted by an accredited degree-granting college or university. This educational qualification may be waived by ~~a 4-1 vote of the Board of Selectmen~~ ***an affirmative vote of at least four of the five members of the Board of Selectmen.***

(119/2000)

5-2-3 The minimum professional qualifications shall include at least three years compensated service in public administration at a managerial level, provided that the educational qualification required by section 5-2-2 of this Charter is in public administration. If the educational qualification required by section 5-2-2 of this Charter is not in public administration, the professional qualifications shall include at least six years compensated service in public administration, with at least three of those years at a managerial level. If the minimum educational qualification required by subsection 5-2-2 is waived by the Board of Selectmen, the professional qualification shall include at least nine years compensated service in public administration with at least six at a managerial level.

(119/2000)

## **Section 3 - Powers and Duties**

5-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible ***to the Board of Selectmen for the proper administration of all Town affairs placed in his or her charge by or under this Charter or bylaws. The Town Administrator shall be responsible*** for administering and coordinating all appointed Town employees, offices, and departments in accordance with Sections 4 and 5 of this chapter and Charter, unless otherwise provided by the General Laws. (119/2000)

5-3-2 The Town Administrator shall devote full time to the duties of the office and shall not hold any other public office, elected or appointed, nor be engaged in any other business, occupation, or profession while serving in such office, unless such action is approved in advance and in writing by the Board of Selectmen.

5-3-3 The powers and duties of the Town Administrator shall include, but not be limited to the following:

- (a) ~~To attend all meetings of the Board of Selectmen, unless excused at the Town Administrator's request, and to possess the right to speak, but not vote, at all such meetings;~~

**(Note: Language transferred to 5-3-3 [e])**

- (a) *To supervise and be responsible for the administration of all functions under his or her control as authorized by this Charter, Bylaw, Town Meeting vote, or vote of the Selectmen;*

- (b) ~~To keep the Board of Selectmen fully informed as to the needs and problems of the Town, and to recommend to the Board of Selectmen, as the Town Administrator deems necessary or expedient, such measures which require action by the Board of Selectmen;~~

**(Note: Language transferred to 5-3-3 [g])**

- (b) *To supervise all officers and employees appointed by him or her and their respective departments;*

- (c) ~~To prepare and present to the Board of Selectmen an annual draft operating budget and proposed capital expenditure budget, in accordance with the provisions contained in Chapter 7 of this Charter;~~

**(Note: Formerly 5-3-3 [k])**

- (c) *To be responsible for personnel administration in accordance with section 5 of this chapter and Charter;*

- (d) ~~To administer the annual operating budget and capital expenditures budget as voted by Town Meeting to ensure all such funds are expended or committed in accordance with General Law, this Charter, By law, or Town Meeting Vote;~~

**(Note: Language transferred to 5-3-3 [j])**

- (d) *To carry out and administer the plans, programs, projects, goals, and objectives assigned to the Town Administrator by the Board of Selectmen;*

- (e) ~~To represent the Town in its relations with federal, state, and local units of government as directed by the Board of Selectmen;~~

**(Note: Formerly 5-3-3- [m])**

- (e) *To attend all meetings of the Board of Selectmen, unless excused at the Town Administrator's request, and to possess the right to speak, but not vote, at all such meetings;*

- (f) ~~To keep the Board of Selectmen fully informed as to the availability of all sources of outside funding, both public and private, including, but not limited to, intergovernmental grants, so-called "in-lieu-of-taxes" payments, gifts, bequests, contributions or otherwise, giving special consideration to the relationship between such funding sources and the needs and goals of the Town, both short and long range;~~

**Note: Language transferred to [k])**

- (f) *To attend all sessions of the Town Meeting and answer all questions directed to the Town Administrator that are related to the responsibilities of the Town Administrator ;*

- (g) ~~To be the Chief Procurement Officer responsible for purchasing for all Town offices or departments, except that the School Superintendent will be designated as the Procurement Officer for all supplies and services purchased for the School Department.~~

**(Note: Formerly 5-3-3 [b] with revisions)**

- (g) *To keep the Board of Selectmen fully informed as to the financial condition and needs of the Town, and to recommend to the Board of Selectmen such measures which require action by the Board of Selectmen, as the Town Administrator deems necessary or expedient;* (119/2000)

- (h) ~~To possess the right to attend any regular meeting of any multi-member body of the Town, and to possess the right to speak, but not vote, at any such meeting.~~

**(Note: Language transferred to [q])**

- (h) *To see that all provisions of the General Laws, this Charter, the Bylaws, Town Meeting votes and votes of the Selectmen are faithfully carried out and enforced;* (119/2000)

- (i) ~~To inform the Board of Selectmen regarding vacancies in Town offices and multi-member bodies which are appointed by the Board of Selectmen;~~

**(Note: Formerly 5-3-3[c])**

- (i) *To prepare and present to the Board of Selectmen an annual draft operating budget and proposed capital expenditure budget, in accordance with the provisions contained in Chapter 7 of this Charter;*

- (j) ~~To develop and maintain a full and complete inventory of all real and personal property owned by the Town in excess of a certain value to be determined by the Board of Selectmen and the Finance Committee;~~ (119/2000)

(Note: Formerly 5-3-3 [d])

- (j) *To administer the annual operating budget and capital expenditures budget as voted by Town Meeting to ensure all such funds are expended or committed in accordance with the General Laws, this Charter, By-laws, and/or Town Meeting Vote;*

- (k) ~~To be responsible for personnel administration in accordance with section 5 of this chapter;~~

(Note: Formerly 5-3-3 [f])

- (k) *To keep the Board of Selectmen fully informed as to the availability of all sources of outside funding, both public and private, including, but not limited to, intergovernmental grants, so-called "in-lieu-of-taxes" payments, gifts, bequests, contributions or otherwise, giving special consideration to the relationship between such funding sources and the needs and goals of the Town, both short and long range;*

- (l) ~~To perform such other duties as may be required by General Law, this Charter, By-law, Town Meeting vote, or by vote of the Board of Selectmen.~~

- (l) *To assure that a full and complete record of the financial and administrative activities of the Town is kept;*

(Note: Formerly 5-3-3 [e])

- (m) *To represent the Town in its relations with federal, state, and local units of government as directed by the Board of Selectmen;*

(Note: Formerly 5-3-3 [j])

- (n) *To develop and maintain a full and complete inventory of all real and personal property owned by the Town in excess of a certain value to be determined by the Board of Selectmen and the Finance Committee;* (119/2000)

(Note: New [o and p] revised from former 5-3-3 [g and z])

- (o) *To negotiate and sign contracts the total monetary value of which is up to \$25,000 (twenty-five thousand) provided,*

*however, if the Town Administrator is a Massachusetts Certified Public Purchasing Official (MCPPO), he or she may negotiate and sign contracts up to \$100,000 (one hundred thousand dollars). The Board of Selectmen may increase the above monetary limitations, as it deems appropriate.*

- (p) To award all contracts within the limits prescribed in the preceding paragraph for all departments and activities of the town, with the exception of the School Department, pursuant to the provisions governing such procurements contained in the General Laws.*

**(Note: Formerly 5-3-3 [h])**

- (q) To possess the right to attend any regular meeting of any multi-member body of the Town, and to possess the right to speak, but not vote, at any such meeting.*

**(Note: Formerly 5-3-3 [i])**

- (r) To inform the Board of Selectmen regarding vacancies in Town offices and multi-member bodies which are appointed by the Board of Selectmen;*
- (s) To function as liaison for the Board of Selectmen to the Police Department.*

**(Note: Formerly 5-3-3 [l])**

- (t) To perform such other duties as may be required by the General Laws, this Charter, By-laws, Town Meeting vote, and/or by vote of the Board of Selectmen.*

**(Note: Revised from 4-2-10 which previously gave Board of Selectmen this authority:)**

**5-3-4** *The Town Administrator shall be the negotiator for the Town for collective bargaining agreements unless otherwise provided by the General Laws. The Administrator shall appoint a collective bargaining team which shall consist of the Town Administrator, a member of the Finance Committee in an advisory capacity, and those department heads whose employees shall be subject to the collective bargaining agreement, unless a Department Head is a member of the bargaining unit. The Town Administrator may use professional assistance on the collective bargaining team.*

#### **Section 4 - Powers of Appointment**

**5-4-1** The Town Administrator shall make appointments on the basis of merit and fitness alone, and may suspend or remove, in accordance with section 8-2-1 of this Charter, Town officials or employees who are subject to the direction and supervision of the Town Administrator.

- 5-4-2 ~~After consultation with the Board of Selectmen~~ The Town Administrator shall appoint the following, subject to the provisions of Sections **5-4-5** and 5-5-4 of this Charter **and in accordance with the General Laws, Personnel By-laws, Board of Selectmen Policy or collective bargaining agreements:**

(119/2000)

Director of Public Works  
Town Accountant  
Building Commissioner  
Deputy Assessor  
Administrative Secretary  
Licensing Agent  
Agent to the Zoning Board of Appeals  
Agent to the Board of Health  
**Library Director**  
**(in consultation with**  
**Board of Library Trustees)**

Beach Commission Supervisor  
Golf Course Manager  
Recreation Director  
Harbormaster  
Town Clerk  
Town Treasurer  
Collector of Taxes  
Council on Aging Director  
**Assistant Town Administrator**

(171/1994,119/2000)

- 5-4-3 After consultation with the appropriate elected officials, supervisors, department heads or multi-member bodies, the Town Administrator shall appoint all full-time, part-time or seasonal employees, except those of the Police Department, the Fire Department or the School Department.
- 5-4-4 The Town Administrator shall appoint all inspectors, wardens, or other individual appointments as may be delegated to the Town Administrator by the Board of Selectmen.
- 5-4-5 All appointments for regular full-time and regular part-time employees made by the Town Administrator shall be subject to disapproval by a majority vote of the Board of Selectmen, provided that such a vote is taken prior to the date of the appointment. **(119/2000)**
- 5-4-6 The Town Administrator shall appoint, as needed, the director, clerk, and employees of the Council on Aging, notwithstanding the provision of Section 8 B of Chapter 40 of the General Laws. **(181/1993)**

## **Section 5 - Personnel Administration**

- 5-5-1 The Town Administrator shall, in conjunction with the Board of Selectmen, administer and enforce the Personnel By-laws and any other personnel rules or regulations adopted by the Town or by collective bargaining agreements. **(119/2000)**
- 5-5-2 The Town Administrator shall, in conjunction with the Board of Selectmen, develop and maintain a personnel plan establishing the staffing requirements of all Town departments or offices, except for those of the School Department. **(119/2000)**

- 5-5-3 The Town Administrator shall, in consultation with the Board of Selectmen, cause to be written, approved, signed, and maintained in a current file, attendance records and job descriptions, which shall include appropriate qualifications and compensation schedules, for all appointed officials and employees. The Town Administrator shall annually review compensation schedules and shall make recommendations regarding modification of the schedules to the Board of Selectmen. (119/2000)
- 5-5-4 The Town Administrator may, with the approval of the Board of Selectmen, establish, reorganize, consolidate, or abolish any positions which are subject to the direction and supervision of the Town Administrator, except as otherwise provided by the General Laws or By-laws. The creation of any new position under this section shall not become effective until the position has been funded by Town Meeting, ***unless otherwise permitted by the General Laws.***

(119/2000)

#### **Section 6 - Vacancy**

- 5-6-1 The Board of Selectmen shall fill a vacancy which arises in the office of the Town Administrator as soon as possible, but no later than six months after such a vacancy occurs. The Board may appoint a Screening Committee to assist them in the search and hiring process. (119/2000)
- 5-6-2 ~~The Board of Selectmen shall forthwith appoint an Acting Town Administrator to exercise the rights and to perform the duties of the Town Administrator~~ During any vacancy in the office of the Town Administrator due to temporary absence, suspension, removal, resignation, or death, ***the Assistant Town Administrator shall be the Acting Town Administrator and shall exercise the rights, possess all authority, and perform the duties assigned or delegated to the Town Administrator. If the Assistant Town Administrator is unable to assume the duties of the Acting Town Administrator, the Board of Selectmen may appoint a town employee to exercise the powers and perform the duties of the Town Administrator during said vacancy.*** The appointment of the Acting Town Administrator shall be for a period not to exceed ninety days, and the appointment may be renewed only once for an additional period not to exceed ninety days. The appointee under this section shall not be precluded from permanent appointment to the position of Town Administrator, provided that such appointment is made in accordance with Sections 1 and 2 of this chapter and Charter.
- 5-6-3 No member of the Board of Selectmen shall be eligible for appointment to the position of Acting Town Administrator. (119/2000)
- 5-6-4 Compensation for the Acting Town Administrator shall be determined by the Board of Selectmen. (119/2000)

#### **Section 7- Deleted**

(119/2000)



**Section 7-Rescinded and Reserved**

**Chapter 6 - Multi-member Bodies; Elected and Appointed**

**Section 1 - Powers**

- 6-1-1 All multi-member bodies shall possess and exercise all powers given to them under the Constitution and the General Laws of the Commonwealth, and shall have and exercise such additional powers and duties as may be granted or delegated by the Board of Selectmen, this Charter, the By-laws, or vote of the Town Meeting. (119/2000)
- 6-1-2 Any appointed multi-member body whose powers or purpose are not clearly defined under the Constitution and the General Laws of the Commonwealth, this Charter, the By-laws or vote of Town Meeting shall have a written charge by the Board of Selectmen to define such powers and purpose, provided such charge is consistent with the intent for which the multi-member body was created. (119/2000)
- 6-1-3 An Organizational Chart identifying all appointed and elected multi-member bodies within the town is set forth in Appendix B to this Charter.***

**Section 2 - Organization and Procedures**

- 6-2-1 All multi-member bodies shall organize annually, elect a chairperson and other necessary officers, adopt rules of procedure and voting, maintain minutes and all other records of proceedings, copies of which shall be a public record and shall be filed promptly with the Town Clerk, and shall annually submit a report for inclusion in the annual town report.
- 6-2-2 All multi-member bodies shall conduct their meetings in accordance with the open meeting provisions of the General Laws.
- 6-2-3 ~~A quorum for all multi-member bodies shall consist of a majority of the full complement of the body.~~ ***Generally speaking, a quorum for all multi-member bodies shall consist of a majority of the full complement of the body. However, certain regulatory boards, including the Planning Board, Zoning Board of Appeals, Conservation Commission, and Board of Health will have different quorum requirements for specific actions taken. Each multi-member body, therefore, is referred to the General Laws for the necessary quorums required for each particular instance.***
- 6-2-4 Any person duly elected or appointed to a multi-member body shall forthwith be sworn by the Town Clerk to the faithful performance of his or her duties, shall take up the duties of the office immediately and shall carry out their responsibilities in accordance with the General Laws, this Charter, and the By-laws.

6-2-5 All multi-member bodies shall consist of an uneven number of members, no fewer than three. The Board of Selectmen or Town Meeting may increase or decrease the number of members to serve on multi-member bodies, unless such number is otherwise established by the General Laws or this Charter. (119/2000)

6-2-6 Members of multi-member bodies shall be elected or appointed for three-year overlapping terms, unless such term is otherwise established by the General Laws, with at least one member being elected or appointed each year.

**(Note: Sections re-numbered to account for deleted old 6-2-7)**

6-2-7 Deleted (119/2000)

**(Note: Formerly 6-2-8)**

6-2-7 Except as provided in this Charter, nothing shall be deemed to prevent or prohibit a compensated Town employee from serving on a multi-member body, provided that such employee not be under the general policy or administrative direction of such body, with the exception of the firefighting or rescue employees who may serve on the Board of Fire Engineers.

**(Note: Formerly 6-2-9)**

6-2-8 During a member's term on a multi-member body, no member may hold a paid position or be awarded a contract under the general policy or administrative direction of such body, except for the Board of Fire Engineers who may be compensated for work performed in the execution of firefighting or rescue duties under the direction of the Board of Fire Engineers.

(119/2000)

**(Note: Formerly 6-2-10)**

6-2-9 Vacancies on multi-member bodies shall be filled in accordance with General Laws and in accordance with the provisions of this Charter by the Board of Selectmen or other appointing authority as may be established by the General Laws this Charter, By-law or vote of the Town Meeting. ~~If the vacancy is not filled within forty-five days of the notification of the vacancy by the Chairman of the multi-member body, the vacancy shall be filled by the remaining members of the body.~~

**(Note: Formerly 6-2-11)**

6-2-10 The Board of Selectmen may appoint ~~any two~~ *one* of their members as ex-officio members without a vote, to any multi-member body unless prohibited by the General Laws.

(119/2000)

***6-2-11 The members of all multi-member bodies shall serve without compensation.***

### **Section 3 - Elected Multi-member Bodies**

- 6-3-1 The multi-member bodies listed in Appendix B Part 1 shall be elected in accordance with subsections 3-2-3 and 6-2-6 of this Charter. (119/2000)

#### **Section 4 - Appointed Multi-member Bodies**

- 6-4-1 All appointed multi-member bodies which exist as of the effective date of *a newly revised* ~~this Charter Review~~ shall continue to exist and shall be subject to Section 2 of this chapter and Charter. (119/2000)
- 6-4-2 The multi-member bodies listed in ~~appendix~~ **Appendix** B Part 2 shall be appointed by the Board of Selectmen in accordance with Sections 4-3-2 and 6-2-6 of this Charter. (119/2000)
- 6-4-3 The Moderator shall in accordance with sections ~~2-2-4~~ **2-2-6** and 6-2-6 of this Charter appoint a Finance Committee of five members who shall be voters and shall not hold elected office ~~nor be a candidate for elected office~~ in the Town of Truro. (119/2000)
- 6-4-4 The Town Meeting or the Board of Selectmen may from time to time establish other multi-member bodies for particular purposes. The appointment of ad hoc committees by the Board of Selectmen shall be made only for specific and immediate purposes, and any such committee shall be appointed for a definite period of time, not to exceed two years. Should the particular purpose for which an ad hoc committee was created not be resolved at the expiration of the two-year appointment, such committee may be reappointed for an additional one-year period. (119/2000)
- 6-4-5 Any multi-member body created by Town Meeting shall continue to exist until dissolved by vote of the Town Meeting, unless the vote creating such body provides for a definite time of dissolution. (119/2000)
- 6-4-6 Any multi-member body created by the Board of Selectmen, except those ad hoc committees as may be appointed in accordance with Section 6-4-4 of this Charter, shall continue to exist until dissolved by the Board of Selectmen, unless the vote creating such body provides for a definite time of dissolution. (119/2000)
- 6-4-7 The absence of a member or alternate member for four consecutive meetings of an appointed multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the multi-member body. The Chairman of the body shall forthwith notify the appointing authority that such vacancy has occurred. The vacancy shall be filled in accordance with Section 6-2-10 of this Charter and the appointee shall complete the vacant unexpired term. (119/2000)

### **Chapter 7 - Financial Procedures**

#### **Section 1 - The Annual Budget**

**7-1-1** *The fiscal year of the town shall begin on July first and end on June thirtieth, unless another provision is made by the General Laws.*

**(Note: Formerly 7-1-1)**

**7-1-2** On or before October 15 of each year, *the Board of Selectmen*, the Town Administrator, *and the Finance Committee* shall *jointly* establish, *approve and adhere to* ~~and upon the approval, of the Board of Selectmen, shall transmit to all department heads and budget managers~~ a schedule for delivery of the annual operating budget and capital improvement plan for the ensuing fiscal year. *Once approved, they shall transmit the budget and plan to all Department Heads and budget managers.*

**(Note: Formerly 7-1-2)**

**7-1-3** ~~On or before December 15 of each year~~ *By the date agreed in the jointly approved budget schedule (7-1-2) of each year*, the Town Administrator shall submit to the Board of Selectmen the following:

- (a) A draft budget of the probable expenditures of the Town government, including the draft school budget, for the ensuing fiscal year, together with an estimate of such expenditures for the current fiscal year and a statement of such expenditures for the two preceding fiscal year;  
(119/2000)
- (b) Revenue projections for the ensuing fiscal year, together with an estimate of such revenues for the current fiscal year and a statement of such revenues for the two preceding fiscal years;
- (c) The draft budget document for the ensuing year shall:
  - (1) Include a financial summary listing all proposed expenditures, show the tax levy limit, disclose the source of any additional revenues, and itemize the Town's reserves;
  - (2) Explain the budget in terms of service changes or major expenditure changes and outline the reasons for such changes;
  - (3) Indicate any major changes from the current fiscal year in financial policies together with the reasons for such changes;
  - (4) Summarize the Town's debt position and projections;

- (5) Include such other material deemed to be appropriate.

(119/2000)

(Note: New language)

**7-1-4** *The School Committee shall prepare a School Budget each year in accordance with Section 3-1-3 of this Charter and shall submit it to the Town Administrator in sufficient time to enable him or her to prepare the annual budget required under Section 7-1-3. The School Committee shall hold at least one public hearing on the proposed School Budget for the ensuing fiscal year, notice of which hearing shall be published in a local newspaper no less than fourteen days before said hearing. The action of the School Committee in adopting the budget following the public hearing shall be summarized and the vote of each member shall be duly recorded.*

(Notice: Formerly 7-1-3)

**7-1-5** ~~On or before January 15~~ *By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Board of Selectmen shall submit to of each year the Finance Committee the shall hold at least one public hearing on the proposed budget for the ensuing fiscal year ,including the School Budget, for the ensuing fiscal year as submitted by the School Committee. The proposed budget shall include a budget summary as outlined in Subsection 7-1-2 and recommendations.*

(Notice: Formerly 7-1-4)

**7-1-6** ~~On or before March 15~~ *By the date agreed in the jointly approved budget schedule (7-1-2) of each year, the Finance Committee shall hold at least one public hearing on the proposed budgets, including the School Budget, for the ensuing fiscal year, notice of which public hearing shall be published in a local newspaper no less than fourteen days prior to the date of the hearing..*

(Note: Formerly 7-1-5)

**7-1-7** At least 14 days prior to the Annual Town Meeting, the Finance Committee shall issue in printed form its Budget recommendations and explanations. Copies of the printed recommendations and explanations shall be available in accordance with Subsection 2-3-5 of this Charter.

(119/2000)

(Note: Formerly 7-1-6)

**7-1-8** The Board of Selectmen shall present the proposed budget to the Annual Town Meeting, which shall consider such budget with or without amendments for the ensuing fiscal year.

## **Section 2 - The Capital Improvement Plan**

**7-2-1** ~~On or before December 15 of each year,~~ *By the date agreed in the jointly approved budget schedule (7-1-2) of each year,* the Town Administrator shall submit to the Board of Selectmen a five-year capital improvement plan that shall include:

- (a) A clear summary of its contents;
  - (b) A list, together with supporting data, of all capital improvements proposed to be undertaken in the next five years; such list to include all capital improvements of the School Department and those resulting from any inter-municipal or regional agreements. Such list shall detail proposed:
    - (1) Acquisition of new land, facilities, vehicles, and equipment; (119/2000)
    - (2) Construction of new and expansion of existing facilities;
    - (3) Major maintenance and repairs of facilities, vehicles and equipment;
    - (4) Replacement program for existing equipment and vehicles;
  - (c) Cost estimates, methods of financing, and recommended timetables;
  - (d) Estimated annual operating costs including maintenance for newly acquired or constructed facilities.
- 7-2-2 The capital improvement plan shall be revised and extended each year regarding capital improvements pending or in the process of acquisition or construction.
- 7-2-3 ~~On or before January 15 of each year,~~ **By the date agreed in the jointly approved budget schedule (7-1-2) of each year,** the Board of Selectmen shall submit to the Finance Committee the Capital Improvement Plan together with its recommendations thereon.
- 7-2-4 The public hearing on the budget to be held by the Finance Committee in accordance with Section 7-1-4 of this Charter shall include a consideration of the Capital Improvement Plan.
- 7-2-5 At least fourteen days prior to the Annual Town Meeting, the Finance Committee shall issue its printed recommendations and explanations of the capital improvement plan. Copies of the printed recommendations and explanations shall be available at the Town Hall.
- 7-2-6 The Board of Selectmen shall make available a printed copy of the proposed five-year capital plan to all voters at the Annual Town Meeting. (119/2000)

### **Section 3 - Collections and Disbursements**

7-3-1 Except as may otherwise be established by the General Laws, the Town Treasurer/Collector shall be responsible for the timely and prudent collection and deposit, in the Town Treasury, of all monies and fees collected or received by any person acting in any capacity for the Town.

(119/2000)

7-3-2 Warrants for the expenditure of Town funds, prepared and signed by the Town Accountant in accordance with the General Laws ~~and not exceeding an amount fixed by the Board of Selectmen~~, shall be approved by the Town Administrator. ~~Approval of the Board of Selectmen shall be required for expenditures in excess of the amount fixed by it.~~

### **Section 4 - Lapse of Appropriations**

7-4-1 Every amount appropriated by Town Meeting for each fiscal year shall lapse at the end of that fiscal year to the extent that it has not been expended or encumbered.

### **Section 5 - Financial Audits**

7-5-1 At least every other fiscal year, the Board of Selectmen shall retain a Certified Public Accountant or accounting firm to audit all accounts, books, and records of financial transactions of all Town agencies, offices, and departments, including the School Department. The necessity for any additional audits shall be determined by the Finance Committee.

7-5-2 A copy of the auditor's report and recommendations shall be a public record filed with the Town Clerk.

(119/2000)

## **Chapter 8 - Removals and Suspensions**

### **Section 1 - Elected Officials**

8-1-1 Suspension and/or removal from elected office shall be accomplished in accordance with section 3-4-1 of this Charter.

(119/2000)

### **Section 2- Appointed Paid Employees of the Town**

8-2-1 *Except as otherwise provided in this Charter*, any appointed paid employee of the Town, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;

- (b) Inefficiency and/or inability to perform assigned tasks;
- (c) Insubordination and/or refusal to carry out lawful instructions;
- (d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.

Suspension and/or removal from office shall be accomplished in accordance with the General Laws, Town Personnel By-laws, employment contract, or Collective Bargaining Agreement.

8-2-2 Nothing in this section shall be construed as granting any specific rights of appeal when a person who has been appointed for a fixed-term is not reappointed when the fixed term expires.

### **Section 3 - Appointed Non-paid Officials, Officers, or Members of Multi-member Bodies**

8-3-1 Any appointed official, officer, or member of a multi-member body, whether appointed for a fixed or indefinite term, may be suspended and/or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;  
**(Note: Language derived from a combination of the former (b) and (c))**
- (b) ~~Inefficiency and/or~~ ***Inability or refusal*** to perform assigned tasks ***or adhere to lawful instructions;***
- (Note: Formerly 8-3-1 (d))**
- (c) ~~Insubordination and/or refusal to carry out lawful instructions;~~ ***Conduct unbecoming to the office and/or which reflects adversely upon the Town.***

8-3-2 ~~No suspension shall be effective for more than fifteen days. Suspension may be~~  
~~conterminous with removal and shall not interfere with~~ The rights of the individual ***shall***  
***be protected under the following removal*** under the following procedure: (119/2000)

- (a) Written notice of the intent to remove and/or ***to effect the suspension period***, and a statement of the cause or causes therefore, shall be delivered by hand, or by certified mail, addressee only, return receipt requested, to the last known address of the person sought to be removed.

(119/2000)



- (b) Within five days following the receipt of the notice, the individual may file a written request for a hearing before the Board of Selectmen. ~~at which~~ Said ***hearing shall be conducted in accordance with the General Laws. At said hearing, the*** individual may be represented by counsel, shall be entitled to present evidence, call witnesses, and question the appointing authority whose action has resulted in the hearing and any witnesses appearing at the hearing. This hearing shall be held within fourteen days of the receipt by the Board of Selectmen of the written request for such hearing. ***If no hearing is requested, the removal shall be deemed to be uncontested and will take effect at the conclusion of the five-day period as described above.***

(119/2000)

- (c) Within ten days of the hearing, the Board of Selectmen shall make a decision to either remove or reinstate the individual and shall notify the person of its action. A record of the hearing and the action taken shall be made by the Board of Selectmen. (119/2000)

8-3-3 Nothing in this section shall be construed as granting a right to a hearing held in accordance with section 8-3-2 of this Charter when a person who has been appointed for a fixed term is not reappointed when the fixed term expires.

#### **Section 4 - The Town Administrator**

8-4-1 The Board of Selectmen, by the affirmative vote of ~~at least three~~ ***a majority of the*** members, may initiate the removal of the Town Administrator by making a resolution to that effect, provided that no such resolution be adopted within sixty days following any Town election. Such a resolution shall state the reason therefore and shall be adopted only at a regularly scheduled public meeting of the Board of Selectmen and in open session.

8-4-2 The adoption of a resolution in accordance with section 8-4-1 of this Charter shall serve to suspend the Town Administrator for not more than forty-five days, during which the salary shall continue to be paid. A copy of the resolution shall be delivered in hand forthwith to the Town Administrator or sent by certified mail return receipt requested to the last known address of the Town Administrator. (119/2000)

8-4-3 Within five days following the receipt of a resolution adopted in accordance with section 8-4-1 of this Charter, the Town Administrator may file a written request for a hearing before the Board of Selectmen. Upon receipt of such request, the Board of Selectmen shall schedule a hearing within two weeks. At least seven days prior to the hearing, the Board of Selectmen shall advertise the hearing in a newspaper of general circulation and shall cause ~~identical~~ notices stating the purpose, location, time and date

to be posted in the Town Hall ~~Offices~~ and both United States Post Offices. *The hearing shall be conducted and posted in accordance with the provisions of the General Laws.*

- 8-4-4 The Town Moderator, or the Moderator's designee if the Moderator is unable to attend, shall preside at a hearing held in accordance with section 8-4-3 of this Charter.
- 8-4-5 At a hearing held in accordance with section 8-4-3 of this Charter, the reasons for the resolution to remove, adopted in accordance with section 8-4-1 of this Charter, shall first be read aloud. The Town Administrator shall then have the right to respond either personally or through counsel, and shall have the power to compel testimony and subpoena any witnesses or Town records.
- 8-4-6 Final removal of the Town Administrator shall be effected only by an affirmative vote of at least four members of the Board of Selectmen; ~~in open session at a public meeting of the Board of Selectmen, the time and place of which shall be announced in advance and which shall be held within seven days if a public hearing was held in accordance with section 8-4-3 of this Charter. If no public hearing was requested, in open session at a public meeting~~ *hearing* Board of Selectmen, the time and place of which shall be announced in advance and held within fourteen days after the adoption of the resolution to remove in accordance with Section 8-4-1 of this Charter.
- (119/2000)
- 8-4-7 In the event of a vote for final removal in accordance with section 8-4-6 of this Charter, the salary of the Town Administrator shall continue to be paid for sixty days following the vote for final removal, or in accordance with the termination clause in the Town Administrator's contract, *unless the incumbent has been convicted of a felony.*

## Chapter 9 - Transitional Provisions

**(Note: Chapter 9 and 10-Rescinded and Reserved)**

### Section 1 - Effective Date

- 9-1-1 Deleted (119/2000)
- 9-1-2 ~~This Charter shall become fully effective July 1, 1993.~~
- 9-1-3 Deleted (119/2000)
- 9-1-4 Deleted (119/2000)

### Section 2 - Continuation of Existing Laws

**(Note: Language transferred to 1-4-6 [a])**

- 9-2-1 ~~All General Laws, special laws, Town By-laws, votes, rules and regulations of or pertaining to the Town which are in full force and effect at the time of the election at~~

~~which this Charter is adopted, and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law, or until they expire by their own limitation.~~

### **Section 3 - Continuation of Government**

**(Note: Language transferred to 1-4-6 [b])**

~~9-3-1 Members of all Town agencies, offices, and departments shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred or assumed by another Town agency, office, or department in accordance with the provisions of this Charter.~~

### **Section 4 - Continuation of Administrative Personnel**

**(Note: Language transferred to 1-4-6 [c])**

~~9-4-1 Any person holding an office or position in the administrative service of the Town, and any person serving in the employment of the Town, shall retain such office or position and shall continue to perform their duties unless provisions are made in accordance with this Charter for the performance of such duties by another person, agency, office, or department provided, however, that no person in the full-time service or employment of the Town shall forfeit their pay grade or time of service.~~

<b><u>Section 5</u></b>	<b>Deleted</b>	<i>(119/2000)</i>
<b><u>Section 6</u></b>	<b>Deleted</b>	<i>(119/2000)</i>
<b><u>Section 7</u></b>	<b>Deleted</b>	<i>(119/2000)</i>

### **Section 8 - Multi-member Bodies**

<del>9-8-1</del>	<b>Deleted</b>	<i>(119/2000)</i>
<del>9-8-2</del>	<b>Deleted</b>	<i>(119/2000)</i>
<del>9-8-3</del>	<b>Deleted</b>	<i>(119/2000)</i>
<del>9-8-4</del>	<b>Deleted</b>	<i>(119/2000)</i>

~~9-8-5 Terms of service on multi-member bodies prior to or in progress at the time of the election at which this Charter is adopted shall not be counted as terms of service in accordance with section 6-2-7 of this Charter.~~

### **Section 9 - Charter and By-law Revision**

<del>9-9-1</del>	<b>Deleted</b>	<i>(119/2000)</i>
<del>9-9-2</del>	<b>Deleted</b>	<i>(119/2000)</i>

~~9-9-3 In April of the fifth year following the election at which this Charter is adopted and every fifth year thereafter a Charter and By-law Review Committee of seven members~~

~~shall be appointed by the Board of Selectmen for one year. Such committee shall make recommendations for the revision or amendment of this Charter or of the By-laws to the next Annual Town Meeting, such revisions or amendments to be made in accordance with General Law, this Charter, and By-law, and shall be discharged upon making such recommendations to the Annual Town Meeting. Following the adoption of any revisions or amendments made in accordance with this section, the Board of Selectmen shall cause to be printed a copy of the revised or amended Charter and/or By-laws and shall cause a current reference copy of both to be available in the office of the Town Clerk.~~

~~9-9-4 Nothing in this Charter shall be construed as to prevent changes from being made to it in accordance with section 1-4-3 of this Charter and Chapter 43B of the General Laws. (See Appendix C)~~

#### **Section 10 - Transfer of Records and Property**

**(Note: Language transferred to 1-4-6 [d])**

~~9-10-1 All records, property and equipment of any agency, office or department, or of any part thereof, the powers and duties of which are reassigned in whole or in part to another agency, office, or department shall be transferred forthwith to the agency, office or department to which such powers and duties are reassigned.~~

#### **Appendix A - Definitions**

**By-laws:** shall refer to all By-laws of the Town of Truro.

**Charter:** shall refer to the Home Rule Charter for the Town of Truro.

**days:** shall mean calendar days, unless otherwise noted.

***ex-officio*** *shall be a Board/committee member without a vote.*

**5-Year Plan:** *shall mean an annual Plan devised by the Board of Selectmen based on an evaluation of the Town-s projected needs over the next 5 year, i.e., a rolling 5-year projection, that includes, but is not limited to, the goals and objectives of the Board of Selectmen, the Town Administrator, and the multi-member Boards. The Plan will consider the Local Comprehensive Plan and any other Town-approved Plans.*

**General Laws:** shall mean the General Laws of the Commonwealth of Massachusetts

**immediately/  
forthwith:** shall be understood to mean without the loss of time; i.e., within three business days of the Town of Truro.

<b>may:</b>	shall imply "subject to."
<b>majority vote:</b>	shall mean the majority of those present providing that a quorum of the body is present in accordance with section 6-2-3 of this Charter.
<b>multi-member body:</b>	shall mean all boards, committees, commissions, or councils of the Town consisting of two or more persons, whether elected or appointed.
<b>removal:</b>	shall mean to dismiss from office, to terminate.
<b>shall:</b>	shall imply "must."
<b>Town:</b>	shall mean the Town of Truro.
<b>Town agencies:</b>	shall include any legal body of the Town not otherwise identified.
<b>Town Meeting:</b>	shall refer to Annual Town Meeting and/or Special Town Meeting.
<b>voters:</b>	shall mean all registered voters of the Town of Truro.
<b>voters, eligible:</b>	shall mean all voters whose names appear on the certified voting list on the final day of registration to establish eligibility for any election or Town Meeting.

#### **Appendix B - Elected and appointed boards: Organizational Chart**

**Part 1.** Elected positions ~~in accordance with~~ *per* the General Laws and section 6-3-1 of this Charter.

Voters elect:

1. A Moderator.
2. A Board of Selectmen of five members.
3. A School Committee of five members.
4. A Board of Library Trustees of five members, notwithstanding the provisions of Section 10 of Chapter 78 of the General Laws.
5. A Housing Authority of four members in accordance with the General Laws. A fifth member of the Housing Authority shall be appointed by the Commonwealth.

6. A Planning Board of seven members
7. A Cemetery Commission of three members.

**Part 2.** Appointed positions ~~in accordance with~~ *per* the General Laws and section 6-4-2 of this Charter.

1. The School Committee appoints a School Superintendent who appoints the School Personnel.
2. The Moderator appoints the Finance Committee.
3. The Board of Selectmen appoints:
  - a. Town Administrator
  - b. Town Counsel
  - c. Public Safety Personnel *including* Police Chief and Officers, Board of Fire Engineers, Constables, ~~Civil Defense Director~~, *Emergency Management Director*
  - d. *Regional Delegates-One Representative each to:*
    - Cape Light Compact*
    - Cape Cod Commission*
    - Representative to Cape Cod National Seashore Highlands Center*
  - e. *Other Intergovernmental and Regional Representatives*
  - f. *Nominees for Representative and an alternate to the Cape Cod National Seashore Advisory Commission. Appointments are made by the Secretary of the Interior.*

~~And The following multi-member bodies:~~

Selectmen-Appointed Multi-Member Bodies

<del>Board of Health</del>	<del>Regional Delegates</del>
<del>Water Resources Advisory Committee</del>	<del>Other Inter-Governmental Representatives</del>
<del>Recycling Committee</del>	<del>Council on Aging</del>
<del>Conservation Commission</del>	<del>Board of Assessors</del>
<del>Beach Point Erosion Committee</del>	<del>Beach Commission</del>
<del>Zoning Board of Appeals</del>	<del>Golf Course Advisory Commission</del>
<del>Town Building Committee</del>	<del>Pamet Harbor Commission</del>
<del>Housing Partnership</del>	<del>Recreation Commission</del>
<del>Historical Review Board</del>	<del>Truro Cultural Council</del>
<del>Commission on Disabilities</del>	<del>Truro Partnership</del>
<del>Cable Advisory Committee</del>	<del>Historical Commission</del>
<del>Local Comprehensive Plan Steering Committee</del>	<del>Human Services Committee</del>
<del>Town Employee Insurance Advisory Committee</del>	
<del>Other Multi-Member Bodies</del>	

**g. *The following multi-member bodies:***

<i>Board of Appeals</i>	<i>Historical Review Board</i>
<i>Board of Assessors</i>	<i>Human Services Committee</i>
<i>Beach Commission</i>	<i>Open Space Committee</i>
<i>Cable Advisory Committee</i>	<i>Pamet Harbor Commission</i>
<i>Commission on Disabilities</i>	<i>Recreation Commission</i>
<i>Conservation Commission</i>	<i>Recycling Committee</i>
<i>Council on Aging</i>	<i>Registrar of Voters</i>
<i>Board of Fire Engineers</i>	<i>Shellfish Advisory Committee</i>
<i>Golf Course Advisory Commission</i>	<i>Town Building Committee</i>
<i>Board of Health</i>	<i>Truro Cultural Council</i>
<i>Historical Commission</i>	<i>Water Resources Oversight Com.</i>
<i>Town Employee Insurance</i>	<i>Town Safety Committee</i>
<i>Advisory Committee</i>	

(171/1994, 119/2000)

(Note: Deleted from the list of appointed boards are the following: Housing Partnership; Local Comprehensive Plan Steering Committee; Town Employee Insurance Advisory Committee; Regional Delegates; Other Intergovernmental Groups; Other multi-member bodies; Beach Point Erosion Committee; Truro Partnership)

**Appendix C - Revision/Amendment of the Charter**

The Charter may be changed in any of the three ways summarized below. ~~in accordance with Massachusetts General Law.~~ ***In Truro, however, due to previously revised Charters by Special Legislation from the General Court, and because of the length of time involved in the other two methods, the recommended revision procedure is via further Special Legislation.***

1. Changes to ***a previously adopted or revised*** ~~the~~ charter may be proposed by an article in the Town Meeting warrant that petitions the General Court (the state legislature) to pass a special act enabling the Town to make the proposed changes to the charter. ***Any changes, including changes which create conflicts with the General Laws, may be submitted to the legislature for approval.*** Historically, such petitions have been acted upon by the legislature in six to nine months. (Article 89, Section 8 of the Amendments to the Constitution of the Commonwealth of Massachusetts)
2. ~~The~~ ***A previously adopted or revised*** charter may be changed through an amendment process initiated by a Selectman or a voters' petition ***by at least ten registered voters filed with the Town Clerk and*** proposing consideration of the amendments by Town Meeting. ~~After the required publication and distribution of the~~ ***This process is limited to*** amendments and public hearings on the proposed changes, and upon approval by two-thirds vote at Town Meeting, the amendments are put on the ballot at a regular Town election ***that do not relate in any way to the composition, mode of election or appointment, or terms of office of the Board of Selectmen or Town Administrator, amendments which are not substantially the same as an amendment already considered and voted upon by Town Meeting within the***

*last twelve months, and amendments which do not conflict with the Constitution or the General Laws of the Commonwealth. This process involves public hearings by an appointed Charter Committee and the Board of Selectmen. Ultimately, Annual Town Meeting acts on a final proposal no earlier than six (6) months after the original amendment petition is filed with the Town Clerk's office (although a Special Town Meeting can be called earlier upon petition of 200 registered voters). Town Meeting approved amendments are then sent to the Attorney General and the Department of Housing and Community Development for their review and approval. Once so approved, the amendments must be mailed to the residence of every registered voter in town at least two weeks before they are finally voted on at a Town Election. (Massachusetts General Laws, Chapter 43B, Section 10 an 11))*

3. *Upon petition of 15% of the registered voters of the Town, The a Charter may be adopted or revised by an elected a Charter Commission which drafts proposed revisions, publishes them and hold public hearings to consider the proposed changes. Final action is taken at a regular Town election nominated by a petition of registered voters and elected at a Town Election. The Charter Commission consists of nine registered voters of the town receiving the highest number of votes at the Town Election. The Charter Commission must hold public hearings to discuss proposed language for the Charter or Charter Revision. Within eighteen (18) months after its election, the Commission must submit to the Selectmen its final report, including the full text and explanation of the proposals and its recommendations. Upon submission of the final report, the Selectmen shall order the proposed text to be submitted to the voters for their approval at the first annual or biennial Town Meeting held at least two months after such submission. The same process relative to the distribution of the final amendments and the Town Election described in Paragraph 2 above must be followed to adopt a Charter or Charter Revision under this process, as well. (Massachusetts General Laws, Chapter 43B, Section 3, 4, 9 and 11))*

Or take any action relative thereto.

Requested by the Charter and Bylaws Review Committee  
Charter and Bylaws Review Committee Recommendation: 7-0  
Board of Selectmen Recommendation: 3-0-1

Comment: No additional comment provided. See preamble to this Article.

**This completes the Warrant for the April 27, 2004, Annual Town Meeting.**

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**NOTE: ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, INCLUDING ASSISTIVE LISTENING SYSTEMS (ALS) AND MATERIAL IN ALTERNATE FORMATS, MAY BE ARRANGED BY CONTACTING TOWN HALL FOUR (4) BUSINESS DAYS PRIOR TO TOWN MEETING AT 508-487-2702.**

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